



1 December 2021

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

12.00PM WEDNESDAY, 8 DECEMBER 2021

QUORUM: Three Panel members.

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

AGENDA

WLPP-2112.A

Apologies

WLPP-2112.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2112.1

PAGE 5

113 MacPherson Street, BRONTE NSW 2024 - Review of decision seeking construction and operation of a food and drink kiosk in front of the western end of the existing commercial tenancy of the building (DA-188/2021/1)

Report dated 18 December 2021 from the Development and Building Unit.

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

WLPP-2112.2

PAGE 37

30 Yanko Avenue, BRONTE NSW 2024 - Review of refusal seeking alterations and additions to dwelling house, including internal reconfiguration to ground floor, replace existing first floor and extend lower ground floor level containing parking (DA-328/2020/1)

Report dated 26 November 2021 from the Development and Building Unit.

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

WLPP-2112.3

PAGE 89

157-159 Military Road, DOVER HEIGHTS NSW 2030 - Modification including reduction in the number of units from six (6) to three (3), increase in gross floor area, internal reconfiguration and various other alterations to the facade (DA-316/2015/D)

Report dated 26 November 2021 from the Development and Building Unit.

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

WLPP-2112.4**PAGE 170**

50 Gilbert Street, DOVER HEIGHTS NSW 2030 - 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 (DA-289/2021)

Report dated 26 November 2021 from the Development and Building Unit.

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

WLPP-2112.5**PAGE 247**

16 Thompson Street, TAMARAMA NSW 2026 -Modification to alter internal layout, amend roof line, adjustments to window sizes and locations, external screens, planters, changes to swimming pool and pool terrace (DA-181/2018/A)

Report dated 24 November 2021 from the Development and Building Unit.

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

WLPP-2112.6**PAGE 295**

4 Ruthven Street, BONDI JUNCTION NSW 2022 - Alterations and additions to attached dwelling including ground and first floor extension, new attic level addition with rear dormer and hardstand carspace to rear (DA-354/2021)

Report dated 24 November 2021 from the Development and Building Unit.

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

WLPP-2112.7**PAGE 355**

60 Blair Street, NORTH BONDI NSW 2026 - Alterations and additions to existing school (Reddam House), including its expansion onto the adjoining site at 60C Blair Street; and change of use from place of public worship (Jewish Learning Centre (DA-213/2021)

Report dated 26 November 2021 from the Development and Building Unit.

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

AGENDA – PART 2

WLPP-2112.8

PAGE 453

12 Burge Street, VAUCLUSE NSW 2030 - Modification to alter internal layout and parking bay, increase in GFA, windows, increase in height and various other alterations. (DA-325/2020/A)

Report dated 29 November 2021 from the Development and Building Unit.

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

WLPP-2112.9

PAGE 545

43 Ramsgate Avenue, BONDI BEACH NSW 2026 -Alterations and additions to residential flat building, including an additional level to accommodate two additional units. (DA-79/2021)

Report dated 26 November 2021 from the Development and Building Unit.

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

WLPP-2112.10

PAGE 636

11 Silva Street, TAMARAMA NSW 2026 - Demolition of existing structures; construction of a new three storey dwelling house including car lift and stacker and swimming pool; and tree removal. (DA-122/2021)

Report dated 26 November 2021 from the Development and Building Unit.

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

WLPP-2112.11

PAGE 692

79-103 Wellington Street BONDI BEACH - Demolition of all structures and construction of two four-storey residential flat buildings containing 56 apartments including infill affordable housing units and two-level basement parking. (DA-268/2020)

Report dated 26 November 2021 from the Development and Building Unit.

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

WLPP-2112.12

Architectural Plans - PAGE 827

Diamond Bay Reserve, Diamond Bay Road, VAUCLUSE NSW 2030 - Upgrade works to Diamond Bay Reserve and Waverley Clifftop Walk including replacing and extending existing boardwalk structure , new additional viewing platform , seating bins, signage , fencing and landscaping (DA-378/2021)

Assessment Report – PAGE 857

Report dated 1 December 2021 from the Development and Building Unit.

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

Section 8.2 Review



Report to the Waverley Local Planning Panel

Application number	DA-188/2021/1
Site address	113 MacPherson Street, BRONTE
Description of Development	Review of refusal seeking construction and operation of a food and drink kiosk in front of the western end of the existing commercial tenancy of the building
Date of Original Determination	28 July 2021
Date of lodgement	09 September 2021
Owner	The Owners of Strata Plan No 99129
Applicant	New Street No 1 Pty Ltd
Submissions	12 submissions received
Cost of works	\$140,800
Principal Issues	<ul style="list-style-type: none"> • FSR • Waste management • Insufficient information • Design excellence • Amenity • Streetscape
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The section 8.2 review application seeks to review the determination of DA-188/2021 for the construction and operation of a food and drink kiosk in front of the western end of the existing commercial tenancy of the building at the site known as 113 MacPherson Street, BRONTE. The review application has amended the original development application, as follows:

- The length of the kiosk as been reduced to 4.535m;
- The servery opening has been relocated to the eastern side of the kiosk to ensure that customers remain inside the property boundary; and
- An updated Plan of Management has been submitted, providing more detail on the type of food/drink that will be provided and how the kiosk will be managed.

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

- FSR exceedance;
- Waste issues;
- Design Excellence;
- Public Domain issues;
- Streetscape;
- Amenity impacts; and
- Inadequate information.

The assessment finds these issues have not been adequately addressed in this review application, as there are still concerns relating to the design excellence of the kiosk and its impact on the recently approved building.

A total number of 12 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 sections 8.2 the *Environmental Planning and Assessment Act 1979*. It is recommended to not change the determination of refusal.

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application and a second site inspection was carried out on 23 September 2021.

The site is legally described as SP 99129 and is known as 113 MacPherson Street Bronte.

The site comprises a shop top housing development with a Woolworths Metro fronting MacPherson Street, residential apartments above on levels 1, 2 and 3, all above two levels of 'basement' parking that is accessed from Chesterfield Lane to the rear.

To the west of the site is the ten storey 'Oceanview Apartments', an anomalous building, built in the 1960s that formally operated as the Charles Hotel, but was converted to residential in the mid-1990s. To the east of the site are two storey residential buildings including dwellings, duplexes and residential flat buildings.

On the opposite side of Macpherson Street, are single storey dwellings, some detached and some semi-detached. To the rear, across Chesterfield Lane, are residential dwellings, some detached and some semi-detached which face Chesterfield Street. There is an emerging development trend for these properties to have two storey secondary structures presenting to Chesterfield Lane.

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



Figure 1: Subject site viewed from MacPherson Street



Figure 2: Subject site viewed from MacPherson Street, showing the location of the proposed kiosk in red

1.3. Details of the Original Determination Subject to Review

The original development application, known as DA-188/2021, for the construction and operation of a food and drink kiosk in front of the western end of the existing commercial tenancy of the building, was refused on 28 July 2021 by the Waverley Local Planning Panel.

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

- *The application did not satisfy the objectives of the environmental Planning and Assessment Act 1979 in that it did not promote the orderly and economic use and development of land nor promote good design or amenity of the built environment;*
- *The application did not comply with clause 4.4 Floor Space Ratio of the Waverley Local Environmental Plan (LEP) 2012, which resulted in adverse impacts on the character of the locality and the amenity of adjoining properties;*
- *Clause 4.6 Exceptions to development standards of the Waverley LEP 2012 as it did not result in a better development outcome for the site;*
- *The application did not satisfy the following controls or objectives of the Waverley Development Control Plan (DCP) 2012:*
 - *Part B1 Waste - The application was not designed to managed ongoing waste, nor did it provide sufficient space for waste storage or removal.*
 - *Part B12 Design Excellence – The design did not fit into or complement the existing character of the recently constructed building on the subject site and detracted from the architectural quality of the design.*
 - *Part B16 Public Domain – The design of the kiosk did not fit in to the architectural style of the existing streetscape or built form and failed to provide design articulation in keeping with the character of the building.*
 - *Part D Commercial and Retail Development – The operation of the kiosk would result in a detrimental impact on the amenity of the surrounding residents and the public domain in relation to the potential sale and consumption of alcohol, operating hours, noise levels, design, and impact on the public movement from the pedestrian footpath.*
 - *Part E Site Specific Development – The proposed kiosk would have resulted in amenity impacts to the existing and future residents due to the location, potential selling of alcohol, and the operating times. The kiosk failed to provide a design that would be compatible with the streetscape and did not provide for a high architectural quality that matched that of the existing building.*
 - *The application did not comply with the Environmental Planning and Assessment Act 1979, in that insufficient information was provided to enable a full assessment of the application relating to signage, a Plan of Management, outdoor seating, operational management of waste and fire safety measures.*

1.4. Proposal

The review application was lodged on 9 September 2021 and seeks to review the determination of the original development application.

The original application sought development consent for the construction and operation of a food and drink kiosk in front of the western end of the existing commercial tenancy of the building, specifically the following:

- The kiosk proposed a total area of 13.3m² as an infill between two pillars;
- A zone for signage was included; however, no details were provided as to the style or type of signage proposed;
- The fire hydrant cupboard door to the western side of the existing shop was proposed to be relocated;
- The proposed hours of operation for the premises were between 7.00am to 10.00pm, seven days;
- The Statement of Environmental Effects mentioned outdoor seating for customers; however, this was not shown on the plans;
- Two staff were proposed to occupy the premise at any time and no patrons were permitted on the premise, as the kiosk was proposed for takeaway only; and
- The kiosk would have benefited from an existing liquor licence as it is located within a licenced area, as previously approved under DA-264/2015/C.

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

- The length of the kiosk has been reduced to 4.535m to provide a 1.015m gap between the colonnade and the proposed built form;
- The servery opening has been relocated to the eastern side of the kiosk to ensure that customers are able to order from inside the property boundary, however the pick-up area is still located along the northern boundary;
- An updated Plan of Management (PoM) has been submitted, providing more detail on the type of food/drink that will be provided and how the kiosk will be managed; and
- The operating hours have been amended to between 7.00am to 8.00pm, seven days per week.

2. ASSESSMENT

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

2.1. Section 8.3 Considerations

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

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

(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or

(b) after the Court has disposed of an appeal against the determination or decision.

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original application DA-188/2021 was made on 28 July 2021. The period of right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is 12 months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 24 November 2021, which satisfies the statutory timeframe to determine this review application.

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

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

2.2. Planning Instruments and Development Control Plans

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

2.2.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply to the assessment of this development application:

- SEPP 55 Remediation of Land.

SEPP 55 was dealt with appropriately in the assessment and determination of the development application for the redevelopment of the site.

- SEPP 64 Advertising and Signage

In accordance with clause 8 of SEPP 64, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment

criteria set out under Schedule 1 of the SEPP. The signage is limited to being located above the northern elevation window; specific details have not been provided.

An assessment against the criteria under Schedule 1 of the SEPP is provided in **Table 1** of this report.

Table 1: SEPP 64 Advertising and Signage Compliance Table

Assessment Criteria	Compliance	Comment
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes	The proposed location of the sign on the elevation would sit well within the building and would be compatible with signage in the immediate area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes	The signage area is consistent with outdoor advertising in the area.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes	The location of the signage would not detract from the amenity or quality of the area.
3 Views and vistas		
Does the proposal obscure or compromise important views?	Yes	No views would be impacted.
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes	The signage area would not dominate the skyline or reduce quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	Yes	Other advertisers would not be impacted by the signage area.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	The signage is in proportion to the size of the kiosk.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	The signage area would be compatible with the streetscape.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes	The proposal does not protrude above the building or tree canopies.

Assessment Criteria	Compliance	Comment
Does the proposal require ongoing vegetation management?	Yes	No vegetation management would be required.
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes	The allocated signage area is compatible with the proportion and scale of the built form.
Does the proposal respect important features of the site or building, or both?	Yes	The building features would not be impacted as a result of the signage.
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes	No safety devices or lighting has been designed as part of the signage area.
7 Illumination		
Would illumination result in unacceptable glare?	Yes	No illumination is proposed
8 Safety		
Would the proposal reduce the safety for any public road?	Yes	There will be no impacts on the safety of the public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	Yes	No impact would occur to pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Yes	

Given the above assessment of the proposed sign, the proposal satisfies the assessment criteria specified in Schedule 1 of SEPP 64 and is consistent with the objectives set out in clause 3(1)(a) of SEPP 64. The proposed location and size of the sign is therefore acceptable.

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

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The development is inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table B1 Neighbourhood Centre Zone	Yes	The proposal is defined as 'food and drink premises', which is a permitted use in the B1 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	Yes	The proposal does not affect the overall building height of the development, as the kiosk is proposed to infill part of the ground floor only and will be set below the existing awning.
4.4 Floor space ratio (FSR) <ul style="list-style-type: none"> 1:1 (maximum allowable GFA is 2,231m²) 	No	<p>The gross floor area (GFA) of the existing (approved) development is 2,277.69m², achieving a FSR of 1.02:1, which does not comply with the standard.</p> <p>The proposed additional 10.4m² area of floor space of the kiosk would result in a further non-compliance to the development standard by 2.6%, resulting in an FSR of 1.026:1.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.4 If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres	Yes	The kiosk proposes a GFA of 10.4m ² , which complies with this standard.
Part 6 Additional local provisions		
6.8 Maximum GFA of retail premises on certain land in Bronte	Yes	<p>The site is within the area marked with a '1' on the Key Sites Map of the Waverley LEP 2012, and therefore, this clause applies to the site and proposal.</p> <p>The proposal is broadly defined as a 'retail premises', comprises a total GFA of 371m², including the existing Woolworths Metro. It</p>

Provision	Compliance	Comment
		therefore complies with this clause of the Waverley LEP 2012.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 1:1. The proposed development has an FSR of 1.026:1, exceeding the standard by 57.1m² equating to a 2.6% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal is consistent with the objectives of the Floor Space Ratio standard and the objectives of the B1 zone.*
 - (ii) *The proposed exceedance is extremely minor in nature, marking a mere 0.4% increase to the approved gross floor area under DA-231/2019 and only a 2.6% departure from the control and is negligible in the context of the four-storey building it is situated within.*
 - (iii) *The proposal does not form a noticeable increase to the bulk or scale of the development and does not alter or expand the building envelope of the existing approved development.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *In the context of this development history, the proposal represents an additional 0.56% increase to the approved FSR, which is incredibly minor in scale.*

- (ii) *It is also noted that the original Development Consent DA-264/2015 approved food and beverages retail use on the site, which the development of a kiosk would fulfil.*
- (iii) *The proposal involves a mere 2.6% departure from the maximum FSR control under WLEP 2012, which is minor both numerically and in relation to the scale of the approved development.*
- (iv) *the proposal is consistent with the height, bulk and scale of the adjacent development in the B1 zone and will continue to satisfy the vision for the desired future character of the locality.*
- (v) *A development that strictly complies with the standard is unnecessary in this circumstance as no appreciable benefits would result to the adjoining properties or streetscape, by enforcing compliance with the FSR control that is already exceeded by existing development on the site.*
- (vi) *Despite contributing to an exceedance of the maximum applicable FSR under clause 4.4 of WLEP 2012, the proposed development remains compliant with the maximum 20m² gross floor area control for a kiosk under clause 5.4(6) of WLEP 2012 with a gross floor area of 10.4m².*
- (vii) *The proposed development does not alter the approved gross floor area of the Woolworths Metro Supermarket which, at 361m², satisfies the requirement under clause 5.4(7AA) of WLEP 2012 to not exceed a gross floor area of 1000m².*

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 main justification for the non-compliance by the applicant is the argument that the development already exceeds the maximum FSR applicable to the site as a result of the previous approval under DA-231/2019. The applicant argues the additional floor space is minimal and will not visibly alter the overall scale of the existing building, making compliance unnecessary in this case. The justifications provided within this review application has not changed from the original DA and the previous issues remain.

As discussed in the original application (DA-188/2021), the previous DA non-compliance was a result of an internal layout change where an approved services room was altered to floor space. This resulted in no physical external changes to the approved built form. The proposed kiosk will be highly visible from the street as it will sit in front of the existing building, blocking part of the Woolworths Metro façade along MacPherson Street, and will therefore alter the existing bulk and scale of the building. The proposed additional bulk will not contribute positively to the streetscape and will not sit within the existing design of the approved building, as it proposes to partially infill two columns along the front façade. The kiosk will add unnecessary bulk to the building and is not a desirable outcome.

The original approval of the existing building on site was architecturally designed with shopfronts to provide articulation along the street façade of MacPherson Street. The columns were proposed to provide high quality design features with a symmetric front façade. The proposal to partially infill two columns would block the intended design of the overall building façade and will interrupt the architectural quality of the original approval. Furthermore, an additional 1m gap is now proposed between the kiosk and one of the columns, which further adds to the built form sitting out of place within the context of the site and the existing architectural design of the building. The location of the kiosk is not supported as it will impact on the intended design quality and streetscape character that has been recently approved and constructed.

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 argues the non-compliance is minor in nature, satisfies that controls of the Waverley LEP 2012 for kiosk under clause 5.4(7AA), and is compatible with the desired future character of the area. No additional information has been provided as part of this review application.

Whilst the additional floor space is only 10.4m², the location of the kiosk being so visible from the street creates an unnecessary bulk to the streetscape and the overall scale of the building, which does not fit in to the desired future character of the area. The development does not comply with numerous controls within the Waverley Development Control Plan 2012 (Waverley DCP 2012) (as discussed throughout this report), and minimal setback to the front boundary interrupts the flow of buildings along this section of

MacPherson Street. This is particularly evident on the site itself, with the Woolworths Metro entrance sitting 2.8m from the northern boundary.

It is further noted that the kiosk server area is located along the eastern side to enable customer to queue within the property boundary. However, the area proposed for the queuing of patrons is directly used by Woolworths to display produce for sale for their customers. The proposed location of the customer queue will directly impact on the use of Woolworths within this area and is not appropriate. The construction of the kiosk is therefore remain unsupported.

Is the development in the public interest?

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

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

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

The proposed kiosk will add to the visual bulk and scale of the building on the ground level and will set an undesirable precedence for future development within the area. The partial infill of the columns impacts on the design features that were assessed and approved as part of the original DA for the construction of the building and will detract from its architectural quality of design. The bulk and scale of the kiosk is unnecessary and will not fit in to the desired future character of the locality. The minimal setback to the street and the location of the kiosk is not compatible with the bulk and scale of the existing building. The proposed development does not comply with the objectives of the FSR standard and should remain unsupported for this reason.

The objectives of the B1 zone are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads.*
- To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.*
- To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy.*
- To maximise public transport patronage and encourage walking and cycling.*

Whilst it is acknowledged that the development does provide for small-scale retail for the surrounding neighbourhood, the overall planning outcome for the site to achieve this objective is unacceptable and should not be supported, particularly as the kiosk will create unnecessary bulk and will not sit in character with the existing streetscape. The kiosk does not align with the objectives of the B1 zone and should remain unsupported.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported, while the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the B1 zone.

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

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

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

Development Control	Compliance	Comment
<p>B1 Waste</p> <ul style="list-style-type: none"> Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment. Approximate waste and recycling rates for various commercial and residential developments are provided in Annexure B1-2 Waste and recycling receptacles must be stored at all times within the boundary of the site and concealed from the public and commercial domains unless otherwise approved by Council under Section 68 	No	<p>Additional information has been provided with regards to waste management on site; however, what has been provided is still limited.</p> <p>No information has been provided as to waste management on site, including where reusable products such as milk/bread crates will be stored, or how they manage packaging waste.</p> <p>Additionally, the path of transporting bins to the point of collection remains as previously proposed, to cross the Woolworths Metro entry/exit as well as an outdoor seating area, which is not supported.</p> <p>The SEE and PoM have stated that waste will be transported to the Retail Waste room in the basement level of the building via a wheeled bin. It is unclear where the wheeled bin will be located within or adjacent to the kiosk. The lack of storage area for waste on the ground level is unacceptable and should not be supported.</p> <p>The architectural plans do not show how the 3 additional bins will be storage in the commercial waste and recycling bin storage area on the basement level and it is therefore unclear</p>

Development Control	Compliance	Comment
<p>of the Local Government Act 1993.</p> <ul style="list-style-type: none"> All new developments are to provide adequate storage for waste to accommodate future change of use, including increased waste generation rates and grease traps. A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor. Sufficient space must be allocated within the building for the storage of reusable items such as crates and pallets. 		<p>whether this room will have sufficient space for additional bins.</p> <p>The application has been reviewed by Council's Waste management officer who is not supportive of the proposed waste management methods. This is discussed further in the body of the report.</p>
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory.
10. Safety	Yes	Satisfactory.
B12. Design Excellence	No	<p>The proposed kiosk will sit in front of the existing Woolworths Metro along the property boundary. As mentioned above, the servery is proposed along the eastern boundary to allow customers to wait and queue within the property boundary. As shown in Figure 1 above, the existing Woolworths metro utilises this area to display and sell produce. The queuing area will directly impact on the use of the Woolworths Metro, which would be inappropriate.</p> <p>The assessment report for DA-264/2015 made the following comments on the architectural design of the building currently on site:</p>

Development Control	Compliance	Comment
		<p><i>"The design and form of the proposal does not present as a bulky or out of scale building through appropriate setbacks, articulation and modulation of the building facades. The facade is modulated to create perception of bays which emulate the narrower grain to the east."</i></p> <p>The location of the kiosk to partially infill the columns will directly impact on the intent of the architectural design of the recently approved building and will be disproportionate to the building façade along the streetscape.</p> <p>Furthermore, the design to provide a 1m gap between one of the columns would be viewed as a more inconsistent design approach compared to the previous design to infill the entire area between two columns. The bulk, massing and modulation of buildings will be impacted from a streetscape perspective, which does not provide for a high quality of design excellence. The application should remain unsupported for this reason.</p>
15. Advertising and Signage	Yes	The location is satisfactory; however, specific details have not been provided.
B16. Public Domain		
<p>16.1 Improving the Public Domain</p> <ul style="list-style-type: none"> Buildings are to be designed to address the street and to utilise high quality finishes and public art to enhance the public domain and pedestrian interface. Blank walls are not supported within centres. Where blank walls must be provided, utilise artworks or interesting façade designs to enrich the public domain. Align setbacks between buildings with lanes and pedestrian links to enable clear lines of sight. 	No	<p>The front of the kiosk will face the public domain which complies with the control.</p> <p>The finishes and materials proposed have not been amended and include feature wood batten cladding along the façade of the kiosk, using aluminium. The colours and materials proposed do not align with the character of the existing building and would sit out of place within the street. This will be particularly evident as the kiosk sits forward of the remainder of the building on site.</p> <p>No blank walls are proposed.</p> <p>The location of the kiosk does not align with the existing setbacks on site and will interrupt lines of site for pedestrians entering and exiting the residential units above.</p> <p>The proposed design to partially infill the existing columns with the kiosk is not in keeping with the character of the streetscape and will interrupt the design features of the recently constructed building.</p>

Development Control	Compliance	Comment
		The design is therefore inappropriate in this location and should remain unsupported.
<p>16.2 Active Street Frontages</p> <ul style="list-style-type: none"> To promote pedestrian activity and safety in the public domain To provide transparency and visual connection between the street and the building's interior To facilitate future adaptability and flexibility of uses To ensure development encourages appropriate streetscape activation and active participation by the public. To create a 'public face' for buildings to enhance the character of streets. To promote a high level of visual connectivity and physical accessibility between the street and the active frontage premises. 	No	<p>The location of the kiosk will result in customers waiting and picking up their orders from the public footpath. Should the kiosk become highly trafficable, this would result in customers congregating within the pedestrian travel path whilst waiting for their purchase. This could impact on the path of travel of pedestrians either walking past or entering and exiting the Woolworths Metro.</p> <p>Additionally. The proposed queuing area located within the property would be directly in the way of the Woolworths Metro sales area, which would directly impact on the existing use of the supermarket on site.</p> <p>Clear glass is proposed along the façade to provide transparency between the street and building's interior.</p> <p>The minimal size of the kiosk, coupled with the undesirable location, does not promote flexibility and adaptability of uses for the future.</p>
<p>16.2.1 General Controls</p> <ul style="list-style-type: none"> Provide regular tenancy widths, preferably between 6m-10m, or similar to adjacent shopfronts. Development is to utilise a 500mm depth to articulate the building façade at ground level to create interest and variety in the streetscape. Ground level walls should be experienced as having depth and providing a transition between inside and outside. Modulation of the façade may include openings, setbacks, windows and 	No	<p>The development proposes a width of 4.53m, which does not comply with the preferable tenancy width. The width has been proposed to sit between two columns of the existing building with a 1m gap between the kiosk and the column on the eastern side. The bulk and design of the kiosk will reduce articulation of the overall building on site and will interrupt the design flow on the streetscape level.</p> <p>Minimal articulation has been provided to the building's façade, and the construction of the kiosk will impact on the existing articulation provided on the recently constructed building.</p>

Development Control	Compliance	Comment
doors, columns and structure.		
16.6 Shopfront Security Roller shutters on shop fronts are not permitted	Yes	No roller shutters are proposed on site.

Table 4: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages <ul style="list-style-type: none"> Front windows shall be designed to promote an active street frontage and have a display function. The development is to be designed to provide casual surveillance to the street. Window and door frames and styles should reflect the character of the building and area. Premises are required to display a street number. The height of the numbers will be no less than 300mm presented in a clear readable font, located above the entry door, where possible. 	No	<p>The kiosk will have a display function along the facade and clear windows which will provide casual surveillance to the street.</p> <p>The design of the original building was approved to provide a rhythm of verticality in the facade to complement the existing streetscape to the east. No change has been made to the design and style of the kiosk, and it does not reflect the style of the existing built form. The partial infill of the existing columns will directly impact on the approved style and intended design of the overall building and its architectural features.</p> <p>The kiosk does not provide for an area to display a street number.</p>
1.2.2 Awnings	N/A	No awnings are proposed.
1.2.3 Lighting	N/A	No lighting is proposed.
1.2.3 General Amenity <ul style="list-style-type: none"> The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary 	No	As the serving window is located on the eastern side of the kiosk in order to contain the customers queuing within the property boundary, all customers would be required to stand directly in the way of the produce for sale at Woolworths Metro. This would have a direct impact to the neighbouring shop and is unacceptable.

<ul style="list-style-type: none"> • All new development shall be designed to include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location. • No goods shall be placed on the footpath without Council consent • Premises shall be designed so that customers cannot be served directly from Council's footpath (i.e. via a bar or servery). 		<p>The proposed 8pm closing time is considered to be appropriate in this location.</p> <p>No ventilation shaft has been provided in the kiosk.</p> <p>The development has been designed for customers to be able to order from the eastern side of the kiosk, which will sit within their own property boundary. However, the pick-up area will sit along the northern edge, which will result in customers waiting for their orders on Council's footpath. This does not comply with the control.</p>
<p>1.2.4 Noise</p> <ul style="list-style-type: none"> • An acoustic report may be required for noise generating uses to demonstrate that noise will be appropriately attenuated between buildings. • The design of the premises shall insulate adjoining/nearby properties from any noise or vibration levels caused by the use of the premises 	No	<p>The applicant has clarified within the SEE that no alcohol will be served from the kiosk, however this is not specified within the PoM and an existing liquor licence approved on the site already allows for the sale and consumption of alcohol. This would mean that the kiosk has the ability to serve alcohol without gaining separate approval from council. The kiosk therefore must be assessed with the potential for liquor to be sold within the kiosk.</p> <p>No acoustic report has been provided with the application. Furthermore, no information has been provided in the PoM as to how the occupiers of the kiosk will manage sound. The kiosk has the potential for patrons to be on the pedestrian footpath until 8pm, which may impact on the amenity of the surrounding residents, should alcohol be served on site.</p>
1.3 Hours of operation		
<p>General base trading hours: (i) 7.00am to 10.00pm, 7 days a week.</p> <p>Where an application is received for the refurbishment of an existing licensed premises without trading hours regulated by a condition of consent, a new condition of consent will be imposed in accordance with this Part to regulate trading hours of the premise.</p>	Yes	<p>The kiosk proposes to amend the operating hours of 7am-8pm, which complies with the control and will reduce the impact on surrounding residents.</p>

D2 – Outdoor Dining		
Outdoor dining	N/A	All reference to outdoor dining has been removed as part of this review application.

Table 4: Waverley DCP 2012 – Part E4 - 113 Macpherson Street, Bronte Compliance Table

Development Control	Compliance	Comment
4.1 Public Domain		
(a) Macpherson Street and Chesterfield Lane are to be landscaped to Council's requirements (b) Street furniture and renewal of paving is to be provided to Macpherson Street and Chesterfield Lane to Council's requirements	Yes	No landscaping is proposed, however this is not a character of this section of MacPherson Street. No street furniture is proposed.
4.2 Built Form		
(a) Development is to be in accordance with the envelope illustrated in figures 58 and 59.	Yes	The kiosk is located within the envelope shown in figures 58 and 59 within the Waverley DCP 2012.
(b) Comply with Part B16 Public Domain	No	See discussion against Part B16 of the DCP in Table 2 of this report.
(c) Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Refer to Part B16.4 Awnings and Colonnades.	N/A	No changes are proposed to the existing awning on site.
(d) Buildings are to be built to the street and lane alignments (e) and (g) Provide setbacks in accordance with figures 68 and 59.	No	The kiosk is proposed to be built 0.3 from the street boundary, which technically complies with the control. However, an extract from the original DA (DA-264/2015) for the construction of the existing building states the following: <i>"The ground floor of the development is setback 3m from the front property boundary, however this is not contrary to the objectives of the control as there are architectural elements that anchor the first floor setback (nil) to the ground plane. The resultant setback at the ground floor retail space could allow for external seating or product display without impinging on the public footpath. This is a positive outcome. The ground floor glass line of the</i>

Development Control	Compliance	Comment
		<p><i>shopfronts will also align with the front setback of the adjoining buildings either side."</i></p> <p>By providing a minimal setback to MacPherson Street, the kiosk interrupts the design features of the existing building and does not align with the surrounding built forms. The proposal therefore would not comply with the objectives of this part of the DCP as the built form will not respect the existing character of MacPherson Street and will impact on the design features of the existing building.</p>
(h) Each retail unit must present to Macpherson Street with a frontage no greater than 6m wide.	Yes	The kiosk is proposed to have a width of 4.353m.
(i) The Macpherson Street facade must be articulated to reflect the established 6m/12m rhythm of the existing.	No	The kiosk will interrupt the façade articulation from the streetscape and will not reflect the desired future character of MacPherson Street.
4.3 Active Street frontages		
(a) Active street frontages to Macpherson Street	Yes	The kiosk maintains a frontage at street level along MacPherson Street.
(b) Not more than 10% of the Macpherson Street frontage can be blank walls or service areas.	Yes	The frontage is proposed as a service window.
4.4 Transport		
4.4.1 - Loading facilities		
(a) Driveway entry and exit to commercial and loading docks is restricted to Macpherson Street.	N/A	The development does not propose an additional driveway entry and exit from the existing on site.
(b) N/A		
(c) Loading facilities must be located internally on site. They must not front Macpherson Street.	No	The development proposes to utilise the existing loading zones on MacPherson Street, which are currently utilised by Woolworths Metro.
4.4.3 Non residential parking rates		
(a) Of the total number of non-residential parking spaces provided, 80% is to be allocated for visitors/short stay parking and 20% is to be allocated for	N/A	No parking is proposed as part of this development.

Development Control	Compliance	Comment
employee/long stay parking		
4.4.4 Bicycle Parking		
(a) Provide a minimum of 50% of the required bicycle parking for non-residential premises at an acceptable grade location near the main pedestrian Macpherson Street entries.	N/A	No bicycle parking is proposed as part of this development.

2.3. Other Impacts of the Development

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

2.4. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.5. Any Submissions

The application was notified for 14 days between 20 September 2021 and 4 October 2021 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
1.	401/113 MacPherson Street, BRONTE
2.	69 MacPherson Street, BRONTE
3.	Bronte Beach Precinct Committee
4.	113 MacPherson Street, BRONTE (2 separate submissions from this property)
5.	10/107 MacPherson Street, BRONTE
6.	11/107 MacPherson Street, BRONTE
7.	403/113 MacPherson Street, BRONTE
8.	205/113 MacPherson Street, BRONTE
9.	307/113 MacPherson Street, BRONTE
10.	204/113 MacPherson Street, BRONTE
11.	102 MacPherson Street, BRONTE

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

- Non-compliance with the FSR development standard;
- The nil front setback will break the design pattern of the existing building;
- The development breaks up the rhythm of the columns and does not comply with design excellence;
- Noise impacts as all customers remain on the street and within a residential area;
- A kiosk with a licence to serve alcohol will set an undesirable precedence in the area;
- Concerns relating to waste disposal and management from the kiosk;
- the kiosk will be designed to look like an 'after thought' as it does not fit in with the existing design and architectural features of the recently constructed building; and
- The kiosk does not provide enough storage or waste areas.

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

Issue: The kiosk would result in loitering outside of the building and create noise and amenity impacts to the residents above.

Response: The kiosk is proposed as takeaway only and would cease operating at 8pm. It is not envisaged that the kiosk would result in an unreasonable level of amenity impacts on surrounding properties relating to noise and loitering.

Issue: *Woolworths and Coles have sought to dominate sales of groceries, liquor and petrol, in so doing they have crushed local competition through undercutting prices and other dubious sales practices that small businesses are unable to compete with for the medium and long term. The value of an area's property also includes the variety of services available to it. If the small restaurants and cafes close and the only attraction is a Woolies kiosk, Waverley will be poorer.*

Response: The proposed use of the site complies with the uses allowed under the zone. The individual owner of a use is not a matter of consideration that can be accounted for when assessing development applications.

Issue: Loss of parking due to an increase in delivery vehicles coming to the site.

Response: The development proposes to utilise the existing loading bay on MacPherson Street which would not impact on parking for the local community.

Issue: *As a resident of the building in question I am definitely against any further commercial development as Woolworths is already on the lot and it would appear the applicator is subdividing a portion. As Woolworths already sells coffee and food it is totally unnecessary. This strip of Macpherson St is very busy with 7 outlets already servicing the locality with food and drink.*

Response: The zoning of the site allows for the use of a kiosk to be built in this location.

Issue: The operating hours until 10pm would result in noise impacts to surrounding residents .

Response: The application proposes operating hours between 7.00am and 8.00pm. Notwithstanding this, noise issues remain an issue and have been discussed in the body of the report.

Issue: The proposed outdoor seating will result in noise and amenity impacts to surrounding neighbours.

Response: The application does not propose outdoor seating for the kiosk.

Issue: Customer will illegally park on the street and in driveways to access the kiosk.

Response: It is expected that all customers follow street parking rules within the area when attending site. Development applications cannot be refused based on the potential for residents to undertake illegal parking, however should any illegal parking occur, Council should be contacted.

Issue: The Woolworths attracts people congregating outside, which is impacting on the amenity to residents above. The kiosk will amplify this concern.

Response: Council cannot control where people congregate within public areas. Furthermore, the traffic of the Woolworths Metro does not form part of this assessment. Notwithstanding, the application has been refused due to amenity impacts to surrounding properties.

2.6. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Environmental Health

Council's Environmental Health officer has reviewed the proposal and made the following comments:

As this section has previously advised, the proposal is undesirable as it involves the transport of food from a basement storage area to the kiosk and details of food safety have not been provided. The proposal states that the kiosk will sell coffee, juice, sandwiches, and pastries yet cooking appliances including a fryer and grill under an exhaust system have been shown on the plans. Despite requesting clarification on this, the position remains ambiguous.

Compliance with Food legislation has not been demonstrated and this section has concerns as to how the applicant intends to achieve this. It should also be noted that should consent be granted and non-compliance occurs, a Prohibition Order may be issued.

For the reasons stated above, the application is recommended for refusal.

3.2. Waste

Council's Waste officer has reviewed the proposal and made the following comments:

The applicant has not provided an updated SWRMP as part of this application, the comments provided in the updated Statement of Environmental Effects and the drawings in the Amended Architectural Plans indicate that the bin transfer route will occur within the property boundary.

The path of transferring waste is still across the Entry/Exit of the Woolworth's Metro and the outdoor dining area. The original SWRMP indicates that the waste generated will be stored in 60L bins and taken to the bin storage room as required throughout the day. This must be included in the ongoing waste management at the premises (post construction).

The applicant has not specified where reusable products such as milk/bread crates will be stored, or how they will manage packaging waste such as bulk cardboard related to deliveries. This must be included in the SWRMP.

The architectural plans do not show how the 3x additional bins will be stored in the commercial waste and recycling bin storage area with the existing bins. Further clarification is required before approval.

For the reasons stated above, the application is recommended for refusal.

3.3. Fire Safety

Council's Fire Safety officer has reviewed the design and made the following comments:

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

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

Assessment:

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

- i. fire resistance levels of existing building elements together with protection of openings internally and externally (i.e. Section C of BCA);*
- ii. access and egress issues pertaining to escape and construction of exits (i.e. Section D of BCA);*
- iii. inadequate fire services and equipment (i.e. Section E of BCA); and*

The application has been accompanied by a BCA and Access Review prepared by Stuart Boyce of BCA Logic Pty Ltd and dated 21 July 2021. The subject report identifies existing BCA deficiencies and provides several recommendations for the fire safety upgrading of the existing building pursuant to Clauses 94 of the Environmental Planning and Assessment Regulation 2000. The recommendations are considered satisfactory and will need to be undertaken as part of this development consent.

Should consent be granted for this development, a condition would be proposed to include the recommendations in the BCA Report as part of the consent.

4. CONCLUSION

The application has been assessed against the relevant matters for consideration under sections 8.2 the *Environmental Planning and Assessment Act 1979*. It is recommended to not change the determination of refusal.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 5 October 2021 and the DBU determined:

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

DBU members: *M Reid, A Rossi, B McNamara, B Matlawski and J Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Katie Johnstone	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 20 October 2021	Date: 18 November 2021

Reason for WLPP referral:

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

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%

APPENDIX A – REASONS FOR REFUSAL

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

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (c) and (g) as the proposal does not promote the orderly and economic use and development of land or promote good design or amenity of the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:
 - a. Clause 4.4 *Floor space ratio* (1)(c) and (d), as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objective (c) and (d) of the development standard.
 - b. Clause 4.6 *Exceptions to development standards* (1)(b), (3)(a) and (b), and (4)(a), as the proposed development will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breach to the floor space ratio development standard. The proposed development is contrary to the objectives of the development standard and the proposal is not in the public interest.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B – General Provisions
 - (i) Part B1 – *Waste, 1.2 Ongoing Management*, specifically objectives (b), (c), (d), (e), (f), (g), (h), (i) and control (b), as the proposal has not been designed to efficiently minimise waste or maintain waste storage services. The kiosk does not provide any space for waste storage on the ground level and no additional space has been provided in the basement level to account for the additional waste generated. The kiosk will not prevent litter in the public domain and the waste management will interfere with public safety and amenity.
 - (ii) Part B1 – *Waste, 1.4.1.1 General Controls*, specifically controls (a), (b), (c), (d) and (e) as the waste management on site proposes to utilise the existing waste management areas currently utilised by the Woolworths Metro (such as the waste storage room in the basement level) without increasing the size or number of bins available on site. Sharing of waste storage facilities on site is unacceptable and would not provide for adequate bin storage.
 - (iii) Part B1 – *Waste, 1.4.1.3 Additional Controls Relating to Commercial Components of Development*, specifically controls (a), (c), (d), (e) and (g) as the proposal does not

provide any space for adequate waste storage on the ground level, nor does it provide space for reusable items such as pallets and crates.

- (iv) Part B12 – *Design Excellence, 12.1 Design*, specifically objectives (a), (b), (c) and (d) and controls (a), (b), (d), and (e), as the proposed design does not fit into or complement the existing character of the recently constructed building on the subject site. The proposal to partially infill the existing columns visually detracts from the architectural quality of the design of the existing building. The kiosk design does not fit in the overall urban design character of this section of MacPherson Street.
- (v) Part B16 – *Public Domain, 16.1 Improving the Public Domain*, specifically objectives (c) and (f) and controls (f), (g) and (k) as the proposal has not been designed to fit in with the architectural style of the existing streetscape. The kiosk will detrimentally impact on the existing design features of the building and would detract from the character of the streetscape.
- (vi) Part B16 – *Public Domain, 16.2 Active Street Frontage*, specifically objectives (a), (d) and (k) and *16.2.1 General Controls*, specifically controls (l), (m), (p) and (r), as the proposal does not promote safety within the public domain and has not been designed for flexible future uses. The proposal has failed to provide design articulation that is in keeping with the existing character of the building. The kiosk to partially infill the columns will detract from the design and reduce architectural articulation.

b. Part D – *Commercial and Retail Development*:

- (i) Part 1.2 – *Design*, specifically objectives (b), (d) and (e), as the proposal fails to provide a high level of amenity between the private and public domain. The operation of the kiosk will detrimentally impact on the amenity of the surrounding residential properties and impact on the amenity of the public domain due to the patrons congregating on Council's footpath. Additionally, the kiosk will directly interrupt the use of the neighbouring shop by the queuing of patrons across areas currently used for the sale of products.
- (ii) Part 1.2 – *Design, 1.2.1 Frontage*, specifically controls (d) and (d), as the proposal fails to provide a high quality architectural design that matches in with the existing character of the building. The design of the kiosk will impact on the existing architectural features of the recently constructed building.
- (iii) Part 1.2 – *Design, 1.2.4 General Amenity*, specifically controls (a), (c) and (e), as the proposal will have direct amenity impacts on the surrounding residents, particularly due to the potential selling of alcohol.
- (iv) Part 1.2 – *Design, 1.2.5 Noise*, specifically controls (a) as an acoustic report was not submitted with the application. No noise attenuation measures have been proposed to limit noise impacts to surrounding residents.

c. Part E – *Site Specific Development*:

- (i) Section 4.2 – *Built Form*, specifically objectives (a), (b), (d), (e) and (f) and controls (b) and (i), as the proposed kiosk will result in amenity impacts to the existing and future residents due to the location and potential selling of alcohol. The kiosk fails to provide a design that is compatible with the streetscape and does not provide for a

high architectural quality that matches that of the existing building. The partial infill of the columns will detract from the architectural detailing of the existing streetscape.

4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as 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.
5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and impacts on the amenity of the surrounding properties. The proposed kiosk is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

[illegible]

LEVEL 1
100



4 LEVEL 1
1,300



① UPPER GROUND
1-2000

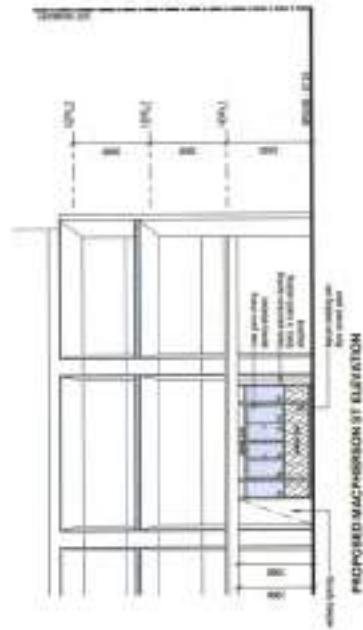


① LEVEL 2

Application No: DA-188/2021/1

Date Received: 09/09/2021

NOTES:
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.



PROPOSED MACPHERSON ST ELEVATION

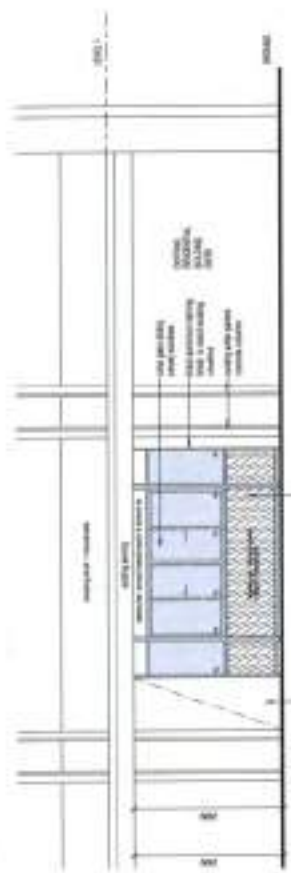


EXISTING MACPHERSON ST ELEVATION

Macpherson Street Elevations



INDICATIVE 3D PERSPECTIVE



North Elevation



Material Sample
This is a sample of the material to be used for the building facade. It is a composite material with a metal finish.

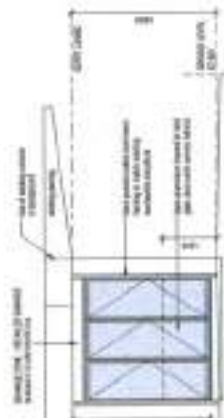
INDICATIVE SECTION EXHAUST



Typical Section



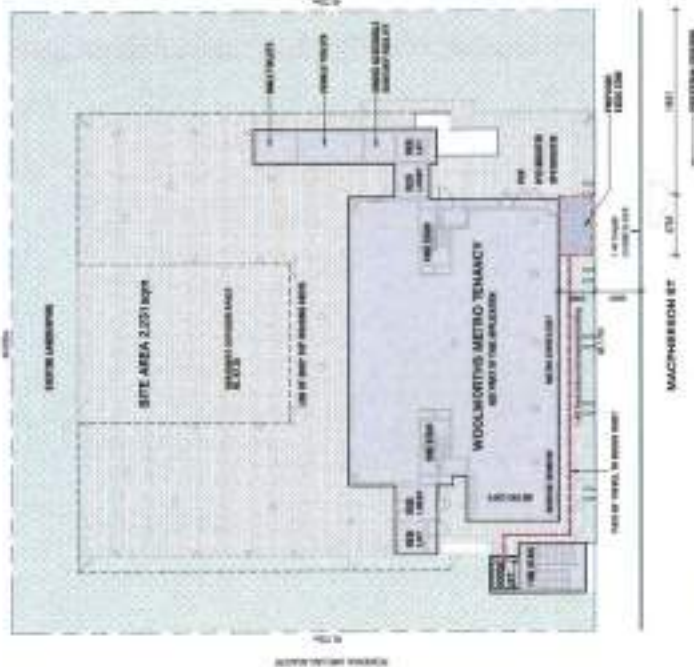
West Elevation



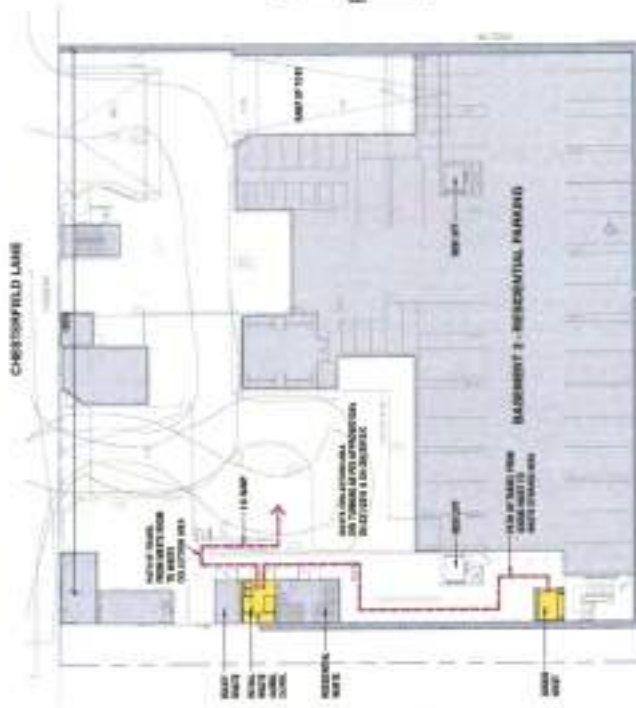
East Elevation



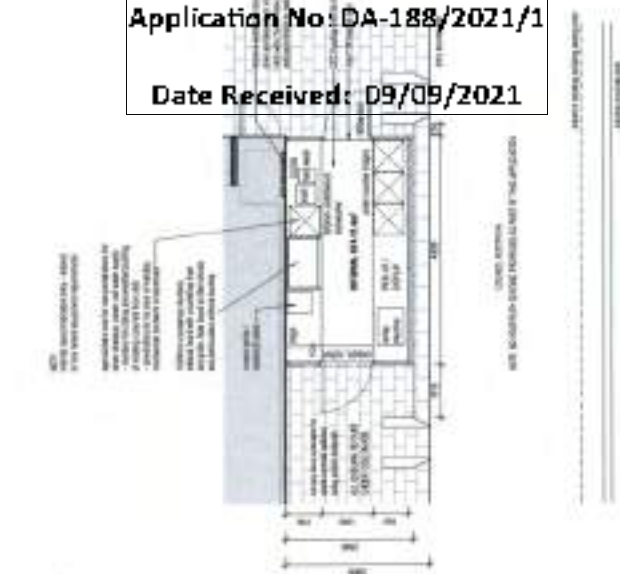
SITE LOCALITY PLAN - NOT TO SCALE (Source: SCOMAP) ①



① Site Plan - Ground Floor
1:200



② Site Plan - Basement 2
1:200



③ Kiosk Zone Plan
1:50

RECEIVED
Waverley Council
Application No: DA-188/2021/1
Date Received: 09/09/2021

NOTES:
1. ALL WORKS TO BE COMPLETED BY 15/09/2021.
2. ALL WORKS TO BE COMPLETED BY 15/09/2021.
3. ALL WORKS TO BE COMPLETED BY 15/09/2021.
4. ALL WORKS TO BE COMPLETED BY 15/09/2021.
5. ALL WORKS TO BE COMPLETED BY 15/09/2021.

Project Name	Woolworths Metro Tenancy	Project No	DA-188/2021/1
Client	Woolworths Metro Tenancy	Project Manager	Woolworths Metro Tenancy
Design Team	Woolworths Metro Tenancy	Project Engineer	Woolworths Metro Tenancy
Project Status	Woolworths Metro Tenancy	Project Date	Woolworths Metro Tenancy
Project Location	Woolworths Metro Tenancy	Project Address	Woolworths Metro Tenancy
Project Description	Woolworths Metro Tenancy	Project Details	Woolworths Metro Tenancy
Project Notes	Woolworths Metro Tenancy	Project Comments	Woolworths Metro Tenancy
Project Signatures	Woolworths Metro Tenancy	Project Date	Woolworths Metro Tenancy
Project Stamp	Woolworths Metro Tenancy	Project Seal	Woolworths Metro Tenancy



Report to the Waverley Local Planning Panel

Application number	DA-328/2020/1
Site address	30 Yanko Avenue, BRONTE
Description of Development	Review of refusal seeking alterations and additions to dwelling house, including internal reconfiguration to ground floor, replace existing first floor and extend lower ground floor level containing parking.
Date of Original Determination	3 February 2021
Date of lodgement	10 September 2021
Owner	Mr A R Deverell & Mrs I E Inder
Applicant	Cape Cod Australia Pty Ltd
Submissions	One
Cost of works	\$1,408,022
Principal Issues	<ul style="list-style-type: none"> • Height breach • Heritage Conservation 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 section 8.2 review application seeks to review the determination of DA-328/2020 for the alterations and additions to dwelling house including internal reconfiguration, replace first floor and new lower ground floor level containing parking, cellar and laundry at the site known as 30 Yanko Avenue, Bronte.

The review application has amended the original development application. The amendments are a reduction to the height of the building by 0.445m, reduction of gross floor area in the basement including removing the cellar and laundry, improved design and privacy from the first floor balconies.

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

- The height of buildings and floor space ratio (FSR) development standards were breached and the applicant's written request failed to justify that compliance with the development standard was unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variations. The proposed development was not considered to be in the public interest as it was inconsistent with the objectives of the FSR and height of buildings development standards.
- The first floor did not conserve the environmental heritage of Waverley through its inappropriate architectural design.
- The first floor did not achieve design excellence as it lacked cohesion with the existing ground floor inter-war bungalow character and negatively impacted on the existing streetscape.
- Visual and acoustic privacy were not adequately demonstrated, as the proposed extension of the deck and balcony would result in unreasonable visual impacts to and from adjoining dwellings.

The assessment finds these issues have been addressed in this review application. The height and gross floor area has been reduced, the first floor design has improved through a cohesive front façade by matching existing building elements in the ground floor and the size of the first floor balconies have been reduced.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

The application has been assessed against the relevant matters for consideration under sections 8.2 and 8.3 the *Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of refusal to approval, subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application and on 12 November 2021.

The site is identified as Lot U in DP 9910, known as 30 Yanko Avenue, Bronte. The site is generally rectangular in shape with a northern (front) boundary of 12.19m, southern (rear) boundary of 12.2m, eastern (side) boundary of 46.9m and western (side) boundary of 46.85m, resulting in an area of 571.2m² (survey). The site has a slight fall from north to south by approximately 1m.

The site is occupied by a two-storey inter-war bungalow dwelling with a later first floor addition, of brick and cladded timber construction. Vehicular access is provided from Yanko Avenue, with an integrated garage located at the lower-ground level. An elevated swimming pool is located in the rear yard. The site does not comprise significant vegetation.

The subject site is adjoined by a two-storey detached dwelling to the east with garage below (28 Yanko Avenue) and a two-storey detached dwelling to the west (32 Yanko Avenue), which is a locally listed heritage item (I356). The locality is characterised by predominantly detached residential dwellings.

Figures 1 to 9 are photos of the site and its context.



Figure 1: Site viewed from Yanko Avenue (front), looking south.



Figure 2: Existing garage, looking south.



Figure 3: Existing dwelling, viewed from rear yard, looking north.



Figure 4: Existing rear deck and adjoining dwelling (28 Yanko Avenue), looking east.



Figure 5: Adjoining dwelling (28 Yanko Avenue), viewed from existing first-floor front balcony, looking east.



Figure 6: Adjoining dwelling (32 Yanko Avenue), viewed from existing first-floor rear windows, looking south-west.



Figure 7: Adjoining dwelling (32 Yanko Avenue) viewed from existing first-floor front balcony.



Figure 8: Adjoining dwelling (32 Yanko Avenue) viewed from Yanko Avenue, looking south-east.



Figure 9: Adjoining dwelling (28 Yanko Avenue) viewed from Yanko Avenue, looking south-west.

1.3. Details of the Original Determination Subject to Review

The original development application, known as DA-328/2020 for Alterations and additions to dwelling including internal reconfiguration, replace first floor and new lower ground floor level containing parking, cellar and laundry, was refused on 3 February 2021 by the Waverley Local Planning Panel.

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

1. *The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.*
2. *The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:*
 - a. *Clause 4.3 Height of buildings (1)(a) and (d), and (2) as the proposal significantly breaches the height development standard which will diminish the environmental amenity of neighbouring properties and the locality.*
 - b. *Clause 4.4 Floor space ratio (1)(c) and (d) as the proposal breaches the floor space ratio development standard and has not adequately demonstrated that unreasonable amenity impacts to adjoining dwellings, including the appearance of visual bulk and visual privacy, have been minimised.*
 - c. *Clause 4.6 Exceptions to development standards (1)(b), 3(a) and (b) and (4)(a). The applicant's written request fails to justify that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variation to the floor space ratio development standard. The proposed development is not in the public interest as it is inconsistent with the objects of the floor space ratio development standard and height of buildings development standard.*

3. *The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - a. *Part B12 – Design Excellence – 12.1 Design, specifically objectives (a) and (c) and controls (a) and (b), as further resolution of the proposed first-floor addition is required to ensure cohesion with the existing dwelling.*
 - b. *Part C2 – Low Density Residential Development*
 - i. *Section 2.1 Height, in particular objectives (a) and (b), as the height of the development does not appropriately to the topography of the site. Minutes of the Waverley Local Planning Panel Meeting – Wednesday, 3 February 2021.*
 - ii. *Section 2.3 Streetscape and Visual Impact, in particular objective (b), with regard to the proposed first-floor addition which is not cohesive or complement the retained ground floor inter-war bungalow.*
 - iii. *Section 2.5 Visual and acoustic privacy, in particular objective (a) and controls (d) and (e) in that the proposal has not adequately demonstrated that the proposed extension of the deck and the balcony will not result in unreasonable visual impacts to and from adjoining dwellings.*
4. *The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 2 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation the has been provided to properly assess the application, including but not limited to an adequate Statement of Environmental Effects prepared in accordance with Schedule 1, Part 2, clause (4) and clear, consistent plans.*
5. *The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will adversely impact upon the amenity of the locality and surrounding built environment.*
6. *The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.*

1.4. Relevant History

A search of Council's records revealed the following recent and relevant development history of the site (other than the original development application):

- **DA-427/2005:** alterations and additions including a rear timber deck, approved 16/09/2005. Subsequent construction certificate CC-237/2006, approved 06/06/2006.
- **DA-427/2005/A:** modification to alter window openings and enlarge front balcony, approved 19/07/2007.

1.5. Proposal

The review application was lodged on 10 September 2021 and seeks to review the determination of the original development application.

The original application sought development consent for substantial alterations and additions to the existing dwelling, specifically the following:

Lower Ground Floor / Garage Level

- Reconfiguration and extension by removing the internal dwarf walls enclosing the existing garage and creating internal access from the garage to the rear of the building where a laundry would be provided with direct access to the rear. Excavation was proposed to create internal access stairs to the ground floor and rear and a new wine cellar.
- Various works to the front of the site, including demolishing existing retaining walls and steps, excavation within footprint of driveway and reconstruction.

Ground Floor

- Demolition of internal walls and reconfiguration to provide for open plan kitchen and living; dining and lounge; bedroom with ensuite; and a separate bathroom. Replacement of windows and doors and an extension of the existing deck to the rear with 1.6-2.1m solid high privacy screen with an additional 0.23m picket fence above on the eastern side (extending 4.6 to 5m from ground level).

First Floor

- Demolition of the first floor and a larger reconstruction, comprising a master bedroom with walk in robe and ensuite; three x bedrooms and a bathroom. A balcony was proposed to the front and to the rear, with full height walls to either side.
- This first-floor addition is to be of lightweight timber framed construction with 75mm thick polystyrene base sheeting with an applied texture coating resembling painted cement render. The roof of the addition will be a hipped roof structure, with a gable feature covered with terracotta roof tiles.

The review application has made design amendments to the original application, which are summarised as follows and the plans below demonstrate the external changes (Figure 10 and 11 show the comparison between the original design and the reviewed design):

Lower ground floor level/Garage Level

- Reconfiguration of garage to provide turntable enabling tandem parking; and
- New plant room to replace existing storage (previously proposed as laundry).

Ground floor

- New laundry within kitchen.

First floor

- Reduction in overall footprint by increasing setbacks from eastern and western side boundaries and associated reconfiguration;
- Modification of front balcony and façade; and

2. ASSESSMENT

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

2.1. Section 8.3 Considerations

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

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

(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or

(b) after the Court has disposed of an appeal against the determination or decision.

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original application (DA-328/2020) was made on 3 February 2021. The period of right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is 12 months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 8 December 2021, which satisfies the statutory timeframe to determine this review application.

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

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

2.2. Planning Instruments and Development Control Plans

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

2.2.1. State Environmental Planning Policies (SEPPs)

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

- SEPP 55 Remediation of Land.

- SEPP (Building Sustainability Index – BASIX) 2004.

2.2.2. 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 generally consistent with the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential	Yes	The proposal is defined as alterations and additions to a 'dwelling house', which is permitted with consent in the R2 zone. The proposal is generally consistent with the objectives of the zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The first floor addition results in a maximum height of 9.345m, resulting in a variance of 9.94%.
4.4 Floor space ratio • 0.5:1 (285.6m ²)	Yes	The proposed development results in a compliant FSR of 0.488:1 (278.78m 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 of building development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not a listed heritage item and is not located within a heritage conservation area; however, is located adjacent to an item of local heritage significance at 32 Yanko Avenue being the former site of Yanko House. The proposal has been reviewed by Council's Heritage officer and it is considered that the proposed works provide an acceptable cohesive level of addition to the top floor than the existing. Refer to section 3 of this report in relation to heritage.
Part 6 Additional local provisions		
m. Please !6.1 Acid sulfate soils	Yes	The subject site is identified as comprising 'Class 5' acid sulfate soils. No significant

Provision	Compliance	Comment
		excavation is proposed for the subject site that would be expected to disturb acid sulfate soils on the site. The proposal complies with this clause of the Waverley LEP 2012.
6.2 Earthworks	Yes	The proposal includes minor excavation in association with the construction of the internal stairs and space for the car turntable at the lower-ground floor. The proposed earthworks are acceptable given they will not result in adverse impacts on soil stability, and the existing and likely amenity of adjoining properties.

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 height of building development standard of 8.5m. The proposed development has a maximum building height of 9.345m, exceeding the standard by 0.845m equating to a 9.94% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *Compliance with the development standard is unreasonable and unnecessary as the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality;*

- (ii) *The component of the development above the height control is limited to the central part of the roof and to the east, due to the fall in existing ground level due to the existing garage and basement area;*
 - (iii) *Exceedance of the height control will not create additional unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in this height would not create additional benefit for adjoining properties or the locality;*
 - (iv) *The proposal will reduce the current maximum height of the dwelling;*
 - (v) *The siting and design of the proposed dwelling minimises the obstruction of views from neighbouring dwellings and the public domain.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The components proposed above the height control are illustrated in the sections and model below in Figure 14 and 15.*
 - (ii) *The proposal will not result in the loss of views from surrounding development;*
 - (iii) *The proposal will not result in unreasonable overshadowing of adjoining properties. The components of the development above the height control will not result in additional unreasonable overshadowing of adjoining properties. It is noted that the height at the eastern and western side of the dwelling is compliant;*
 - (iv) *The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained; and*
 - (v) *The proposal will provide a development, which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality.*

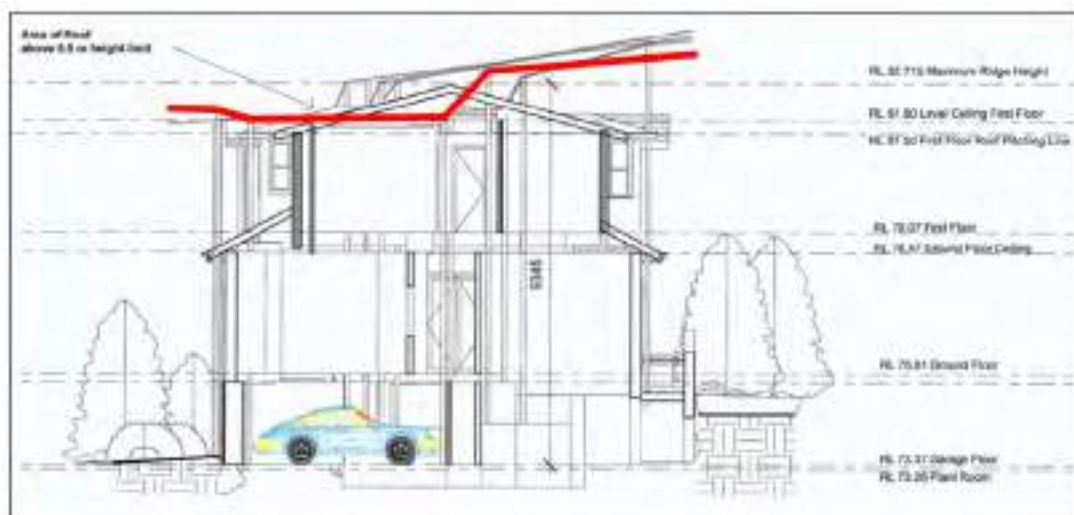


Figure 6: Section through the highest point of the dwelling above existing ground.

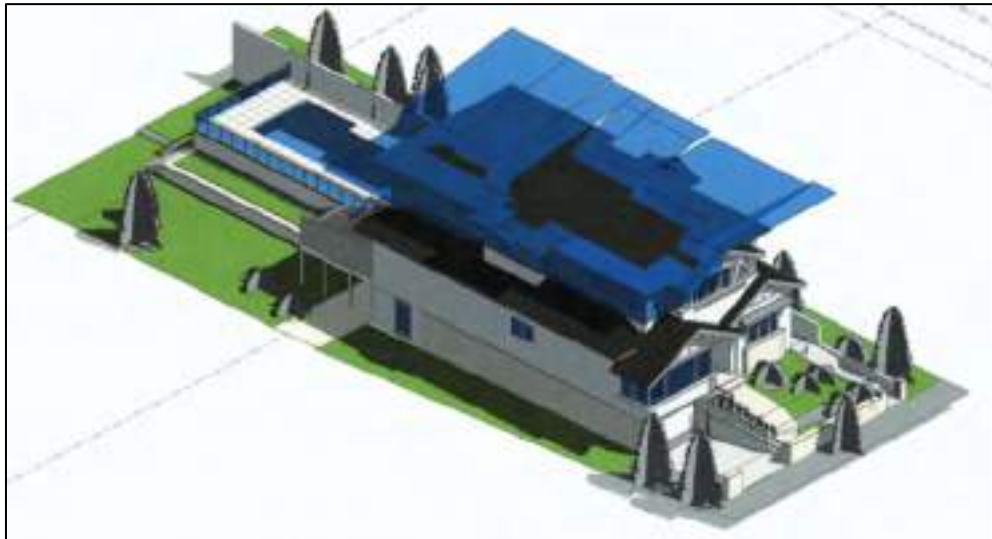


Figure 7: 3D Model of the proposed development with the maximum height line shown in blue and the roof ridge breaching the development standard.

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), (c) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written response provides a sound justification by addressing each of the objectives of the height of building standard and how the amended proposal has achieved compliance with the objectives, while not numerically meeting the standard. The proposed building's height and bulk has been reduced from the original application and is now considered to be of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality. The applicant has argued that the existing roof ridge height is currently higher than what is proposed and the new first floor has improved the height breach on site and strict compliance with this control is unnecessary. A small section of the roof remains above the height limit due to the existing floor level in the basement garage and the sloping topography of the site.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the height breach of 0.845m is only in a minor section of the roof which has been proved to not create any adverse amenity impacts in terms of bulk and excessive overshadowing. The shadow diagrams indicate reasonable compliance and given that the portion of the building over the maximum height standard is located at the front of the property, the proposal does not add any additional amenity impacts to rear private open space of the subject site and surrounding properties. The first floor addition proposes an acceptable bulk, scale and character similar to surrounding recent developed dwellings. It is noted that the reason the development exceeds height is due to the topography of the land and the existing basement garage.

The non-complying portion of the roof has demonstrated that it preserves the existing amenity of the surrounding properties. The first floor will add additional overshadowing to side boundary windows for part of the day at 28 and 32 Yanko Ave but is a result of increasing the front and rear first floor building line which is compliant with the height standard. A window on the western elevation of 32 Yanko Ave is overshadowed at 9am from the new roof over the first floor front balcony which is under the 8.5 height limit and solar access to that window at 10am which is considered reasonable. While overshadowing is slightly increased from the first floor extension, the windows that are overshadowed are either non habitable or have dual aspects and do not solely rely on these windows as their only access to sunlight.

Is the development in the public interest?

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

The relevant objectives of the Height of Buildings development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Comment: The proposed alterations are compatible with the FSR, bulk and scale of the desired future character of the locality and positively complement the streetscape. The proposed first floor is a reasonable addition with modest floor to ceiling heights, compliant side setbacks and is similar in scale and bulk to the adjoining buildings. It is considered that the proposal is consistent with the streetscape, the desired future character of the area and objectives (a) and (d) of the height of buildings development standard. The minor breach in height is only in a small section of the pitched roof due to the sloping topography and existing basement garage and does not significantly increase shadow impacts on adjoining properties, therefore the development is considered reasonable.

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.*

Comment: The proposal maintains a residential use to the land. The alterations and additions will facilitate the efficient use of an existing dwelling. The proposed development is compatible with surrounding residential dwellings. The proposal does not inhibit any existing or future land uses intended to meet the day to day needs of residents.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Minor change to the front landscaping because of the alteration to the footpath.
6. Stormwater	No - conditioned	Unsatisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
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	Satisfactory. The proposal provides for two car spaces within the basement garage. Its design and location are satisfactory through keeping the front façade of the dwelling relatively unchanged except for a new roller garage door. The garage and lower ground floor have been extended to the south west to allow for enough room to install the car turn table. Refer to section 3 of this report on referral commentary in relation to traffic.
9. Heritage	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to heritage.
12. Design Excellence	Acceptable	<p>The first floor is considered to achieve an appropriate design and will result in a cohesive addition to the existing dwelling and the articulation is improved.</p> <p>The proposed materials; however, are not to a sufficient quality to match the existing ground floor and a condition of consent requires the first floor to provide quality materials in the lower half of the dwelling through submitting a Schedule of Materials and Finishes to be approved prior to a Construction Certificate is issued.</p>
14. Excavation	Yes	The proposal includes minor excavation in association with the garage and space for the car turntable at the lower-ground floor. The proposed excavation is acceptable in that it will not add visual bulk or the dwelling.

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

The proposal is defined as a 'Dwelling House' in the Waverley LEP 2012.

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

Development Control	Compliance	Comment
<p>incorporated into the design.</p> <ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>windows are proposed for bedroom 1 to maximise water views which is acceptable and doesn't face any habitable rooms at 28 Yanko Ave.</p> <p>The proposed balcony to the front of the first floor has a depth of 1.2m and an area of 4.7m² which is compliant. The new Juliet balcony to the rear at first floor level has a depth of 0.6m and is considered acceptable as it overlooks the subject sites rear yard.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>Yes</p>	<p>The site has a favourable north-south orientation and maintains living areas and private open space to the northern end of the site.</p> <p>Three hours of solar access is maintained to living areas and principal open space areas of adjoining properties. The first floor will add additional overshadowing to side boundary windows for part of the day at 28 and 32 Yanko Ave. A window on the western elevation of 32 Yanko Ave is overshadowed at 9am from the new roof over the first floor front balcony, which is height compliant. Solar access is then provided to that window at 10am. While overshadowing is slightly increased from the first floor extension, the windows that are overshadowed are either non habitable or have dual aspect and do not solely rely on these windows as their only access to sunlight.</p> <p>Additionally, the principal private open space and principal living area will maintain more than 3 hours of direct sunlight throughout the day for both adjoining properties.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks 	<p>Yes</p> <p>Yes</p>	<p>No significant public or private domain views will be unreasonably impacted by the proposal.</p>
2.8 Car parking		
2.8.2 Design Approach	Yes	Existing
2.8.2 Parking rates <i>Maximum rates:</i>	Yes	The proposal provides for two car spaces.

Development Control	Compliance	Comment										
<ul style="list-style-type: none">2 spaces for 3 or more bedrooms												
2.8.3 Location	Yes	Existing										
2.8.4 Design	Yes	Existing										
2.8.5 Dimensions <ul style="list-style-type: none">5.4m x 2.4m per vehicle	Yes	The garage achieves the minimum dimensions, measuring 10.3m x 3m. There is sufficient space in the basement for the car turntable to be installed and operated.										
2.8.6 Driveways	Yes	Existing										
2.9 Landscaping and open space												
<ul style="list-style-type: none">Overall open space: 40% of site areaOverall landscaped area: 15% of site areaMinimum area of 25m² for private open spaceFront open space: 50% of front building setback areaFront landscaped area: 50% of front open space providedOutdoor clothes drying area to be provided	Yes	<div>The Statement of Environmental Effects submitted with the application notes the following:<table><tr><td>Open space (40% / 228.48m²)</td><td>67.84% / 387.52m²</td></tr><tr><td>Landscaped area (15% / 85.68m²)</td><td>25.79% / 147.34m²</td></tr><tr><td>Private open space (25m²)</td><td>>25m² in rear yard</td></tr><tr><td>Front open space (50% / 35.95m²)</td><td>76.74% / 55.17m²</td></tr><tr><td>Front landscaped area (50% / 35.95m²)</td><td>50.63% / 36.4m²</td></tr></table></div>	Open space (40% / 228.48m ²)	67.84% / 387.52m ²	Landscaped area (15% / 85.68m ²)	25.79% / 147.34m ²	Private open space (25m ²)	>25m ² in rear yard	Front open space (50% / 35.95m ²)	76.74% / 55.17m ²	Front landscaped area (50% / 35.95m ²)	50.63% / 36.4m ²
Open space (40% / 228.48m ²)	67.84% / 387.52m ²											
Landscaped area (15% / 85.68m ²)	25.79% / 147.34m ²											
Private open space (25m ²)	>25m ² in rear yard											
Front open space (50% / 35.95m ²)	76.74% / 55.17m ²											
Front landscaped area (50% / 35.95m ²)	50.63% / 36.4m ²											

2.3. Other Impacts of the Development

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

2.4. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.5. Any Submissions

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

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

- The Stormwater Plans were updated; and

- The design of the front façade was improved.

A total of one unique submission was received from the Bronte Beach Precinct Committee (their letter confirmed that their old submission was still relevant and to reassess the previous objection. No new points were raised).

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

Issue: Excessive height and bulk of addition and is not sympathetic to existing dwelling or streetscape.

Response: The proposed height and bulk of the first floor addition have been appropriately amended to reduce the overall scale of the dwelling and improve the front façade by matching the first floor architectural design and character to the existing ground floor. The quality of materials have been conditioned to be of a higher quality and better match the existing ground floor.

Issue: Exceeds Height and FSR controls and drawings are misleading.

Response: The proposal only exceeds the height development standard, but a sufficient clause 4.6 has been submitted to justify the breach, which has been discussed above.

Issue: Design and impact on streetscape.

Response: This has been discussed above and it is considered that the proposed addition is cohesive with the existing inter-war dwelling.

Issue: Overshadowing of rear garden of No. 28.

Response: There will be some overshadowing to the rear of No. 28; however, will be limited to the afternoon in mid-winter and is considered acceptable.

2.6. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

The application was referred to Council's Traffic Engineer. The referral raised no objection to the proposal, subject to recommended conditions of consent regarding construction management and finished level of the vehicular access.

3.2. Tree Management

The application was referred to Council's Tree Management Officer. The referral raised no objection to the proposal and has recommended tree protection and tree bond conditions.

3.3. Stormwater

The application was referred to Council's Stormwater Design and Flooding unit. The referral concluded that the plans are unsatisfactory regarding stormwater details, noting there were a number of inconsistencies in the documentation. Standard conditions of consent are recommended to address this issue.

3.4. Heritage Conservation

The application was referred to Council's Heritage Architect, who recommended amendments to the plans including detailing of the double columns of the first floor front balcony and the way they meet the fascia needed to be removed. The amended Architectural Plans were reviewed by the Heritage architect and are supported.

4. CONCLUSION

The section 8.2 review application seeks to review the determination of DA-328/2020 for the alterations and additions to dwelling including internal reconfiguration, replace first floor and new lower ground floor level containing parking, cellar and laundry at the site known as 30 Yanko Avenue, Bronte. The review application has amended the original development application. The amendments are a reduction to the height of the building by 0.445m, reduction of gross floor area in the basement including removing the cellar and laundry, improved design and privacy from the first floor balconies.

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

- The applicant's Clause 4.6 written request to vary the height and FSR development standard failed to justify that there are sufficient environmental planning grounds and new development would not preserve the amenity of the surrounding properties;
- Heritage;
- Lacking cohesion with the existing ground floor and negatively impacted on the existing streetscape; and
- The visual and acoustic privacy.

The assessment finds these issues have been addressed in this review application as the height and gross floor area has been reduced, the first floor design has improved through a cohesive front façade by matching existing building elements in the ground floor with the first floor and the size of the first floor balconies have been reduced.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

The application has been assessed against the relevant matters for consideration under sections 8.2 and 8.3 the *Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of refusal to approval, subject to conditions of consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 16 November 2021 and the DBU determined:

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

DBU members: *A Rossi, B McNamara, J Zancanaro and J Elijah*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the review application be APPROVED by the Waverley Local Planning Panel subject to conditions.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 17/11/2021	Date: 26/11/2021

Reason for WLPP referral:

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

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

APPENDIX A – CONDITIONS OF CONSENT

Attachment A

DA-328/2020/1

Conditions of the development consent

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Cape Cod of Project No: 8046 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Sheet: 1 of 15, Revision I	Specification Summary	9/11/2021	18/11/2021
Sheet: 2 of 15, Revision I	Site Plan	9/11/2021	18/11/2021
Sheet: 3 of 15, Revision I	Proposed Lower Ground Floor Plan (Basement)	9/11/2021	18/11/2021
Sheet: 4 of 15, Revision I	Existing Ground Floor – Demolition Plan	9/11/2021	18/11/2021
Sheet: 5 of 15, Revision I	Proposed Ground Floor Plan	9/11/2021	18/11/2021
Sheet: 6 of 15, Revision I	Existing First Floor Plan – Demolition Plan	9/11/2021	18/11/2021
Sheet: 7 of 15, Revision I	Proposed First Floor Addition	9/11/2021	18/11/2021
Sheet: 8 of 15, Revision I	Proposed Roof Plan	9/11/2021	18/11/2021
Sheet: 9 of 15, Revision I	North Elevation, East Elevation	9/11/2021	18/11/2021
Sheet: 10 of 15, Revision I	South Elevation, West Elevation	9/11/2021	18/11/2021
Sheet: 11 of 15, Revision I	Section A-A, Section B-B	9/11/2021	18/11/2021
Sheet: 12 of 15, Revision I	First Floor Window Schedule	9/11/2021	18/11/2021
Sheet: 13 of 15, Revision I	First Floor Window Schedule	9/11/2021	18/11/2021
Sheet: 14 of 15, Revision I	Ground Floor Window Schedule	9/11/2021	18/11/2021

(b) BASIX Certificate

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (18/11/2021)

Except where amended by the following conditions of consent.

2. MATERIALS

Drawing 15 of 15 rev I, titled 'External Finishes & Colours, prepared by Cape Cod is not approved.

Prior to the issue of any Construction Certificate, an updated materials and finishes board is to be provided to the **Executive Manager, Development Assessment (or delegate)** for approval. The materials are to be cohesive and complement the existing ground floor façade and be of a quality finish..

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) or guarantee for the amount of \$ **28,160.44** (2% of the proposed cost of work at \$1,408,022) must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

7. LONG SERVICE LEVY

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

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

8. TREE PRESERVATION BOND

A bond of \$**10,000** is to be lodged with Council, either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of one (1) *Melaleuca quinquenervia* (paperbark tree) and one (1) *Melaleuca leucadendra* (long-leaved paperbark) tree on the naturestrip on Yanko Avenue, Bronte. The bond is to be lodged prior to the issue of any Construction Certificate. The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded

twelve (12) months from the issue of the Final Occupation Certificate subject to the satisfaction of Council.

CONSTRUCTION MATTERS

9. HOARDING

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

10. EROSION & SEDIMENT CONTROL

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

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

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

11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

STORMWATER & FLOODING

14. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Kneebone & Beretta Consulting Pty Ltd, Drawing No. 92159-D1, Issue B, dated 6/11/2021 is considered unsatisfactory.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and comply with the following requirements:

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details (e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan). Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted. The permissible site discharge (PSD) is 20 L/s.
- b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be cast in-situ concrete based.
- c) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system, are to be submitted.
- d) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) A geotechnical report prepared by a suitably qualified and practising Geotechnical Engineer shall be submitted to Council for assessment when an infiltration system is proposed. The hydraulic conductivity must be tested at a minimum of four locations at the site of the proposed infiltration system, and at the base level of the proposed system (and at a minimum of one metre deep). The infiltration system is to be designed using the infiltration rate of the soil of the site. The geotechnical report is to also determine the depth to rock and the presence and depth of the water table. Reference shall also be made to Council's Water Management Technical Manual.
- g) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

- h) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- i) Any Council infrastructure damaged 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 and all associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

15. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials

to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

LANDSCAPING & TREES

18. TREE PROTECTION

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

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed. Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing is to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

TRAFFIC MANAGEMENT

19. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

20. VEHICULAR ACCESS - FINISHED LEVEL

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

21. DILAPIDATION REPORT

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

22. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

23. 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.

24. 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.

25. 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.

26. 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

27. 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*.

28. 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.

29. 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.

30. CERTIFICATE OF SURVEY - LEVELS

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

31. 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.

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.

32. 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.

33. CERTIFICATION OF BASIX COMMITMENTS

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

34. WORKS-AS-EXECUTED – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system, providing that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

35. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

E. OPERATION AND SPECIAL CONDITIONS

36. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed as part of the development approved by this consent, and as required by conditions pertinent to rainwater harvesting and rainwater reuse, must be maintained in good operating order at all times.

F. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.

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

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. ALTERATIONS AND ADDITIONS ONLY

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. WORK OUTSIDE PROPERTY BOUNDARY

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

AMENDED PLANS

Area Calculations:
Floor Space Ratio (FSR) 0.5:1
Site Area: 571.20m²

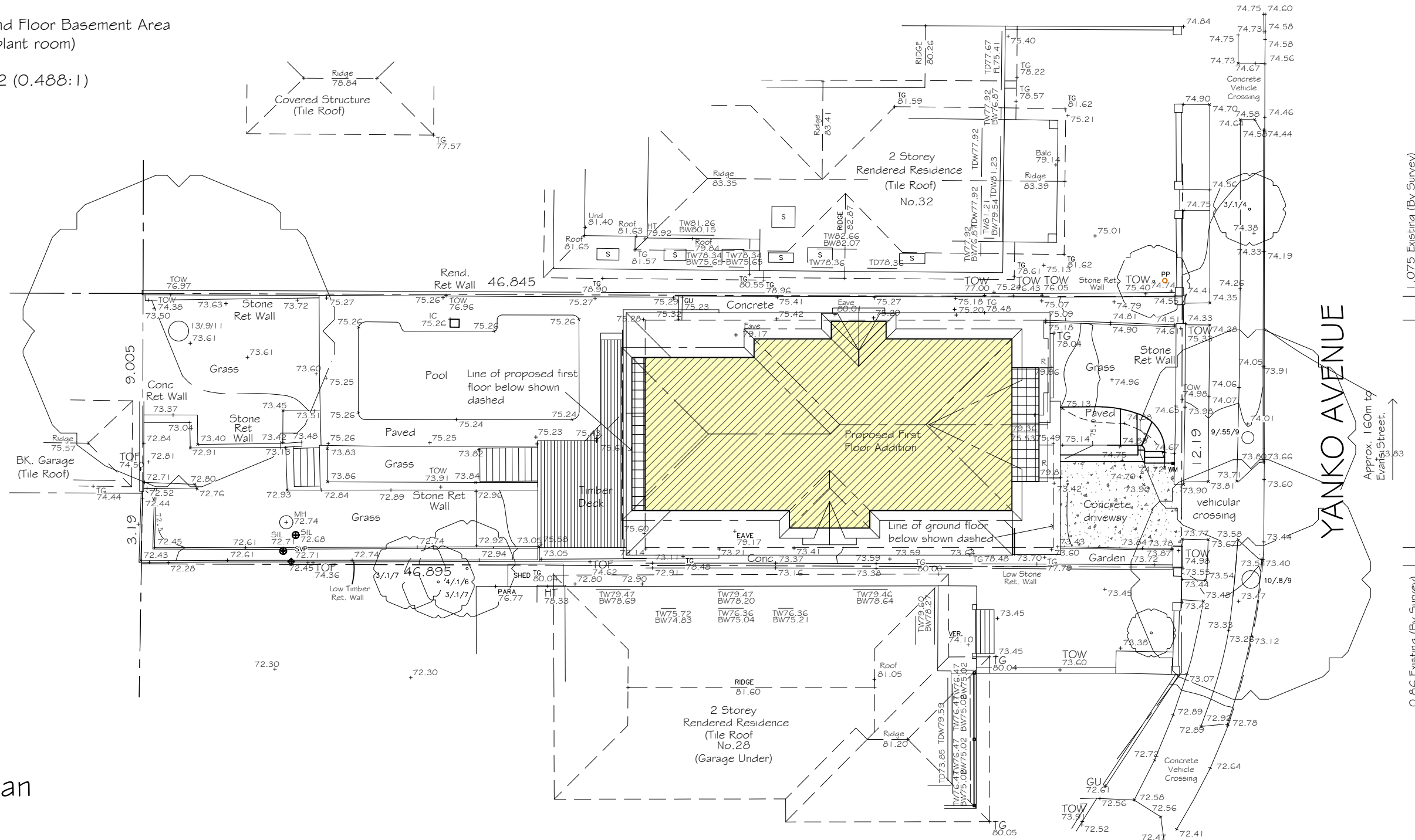
Ground Floor = 166.225m²
(Excluding Deck, Porch)

First Floor = 112.82m²
(Excluding, Balconies, Stair Void & AC Ducts)

Excluding Lower Ground Floor Basement Area
(Excluding, Garage & plant room)

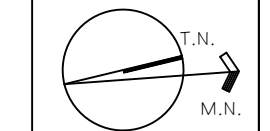
TOTAL = 278.785m² (0.488:1)

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Application No: DA-328/2020/1
Date Received: 18/11/2021



Site Plan

No. : 30
Lot. : U
DP : 9910
AREA : 569.1m² (By Title)
571.2m² (By Survey)



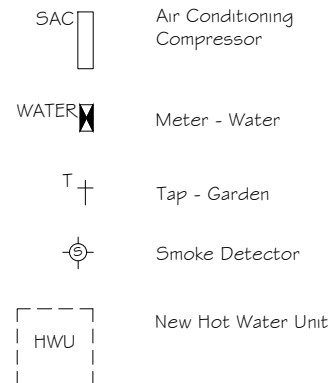
1.075 Existing (By Survey)
1.115 Approx. Proposed (Stair Area)
1.910 Approx. Proposed (First Floor main)
2.275 - 3.225 To No. 32

0.86 Existing (By Survey)
2.540 Approx. proposed (Rear)
1.745 Approx. Proposed
2.56 - 3.37 To No. 28

Approx. 160m to Evans Street.

AMENDED PLANS

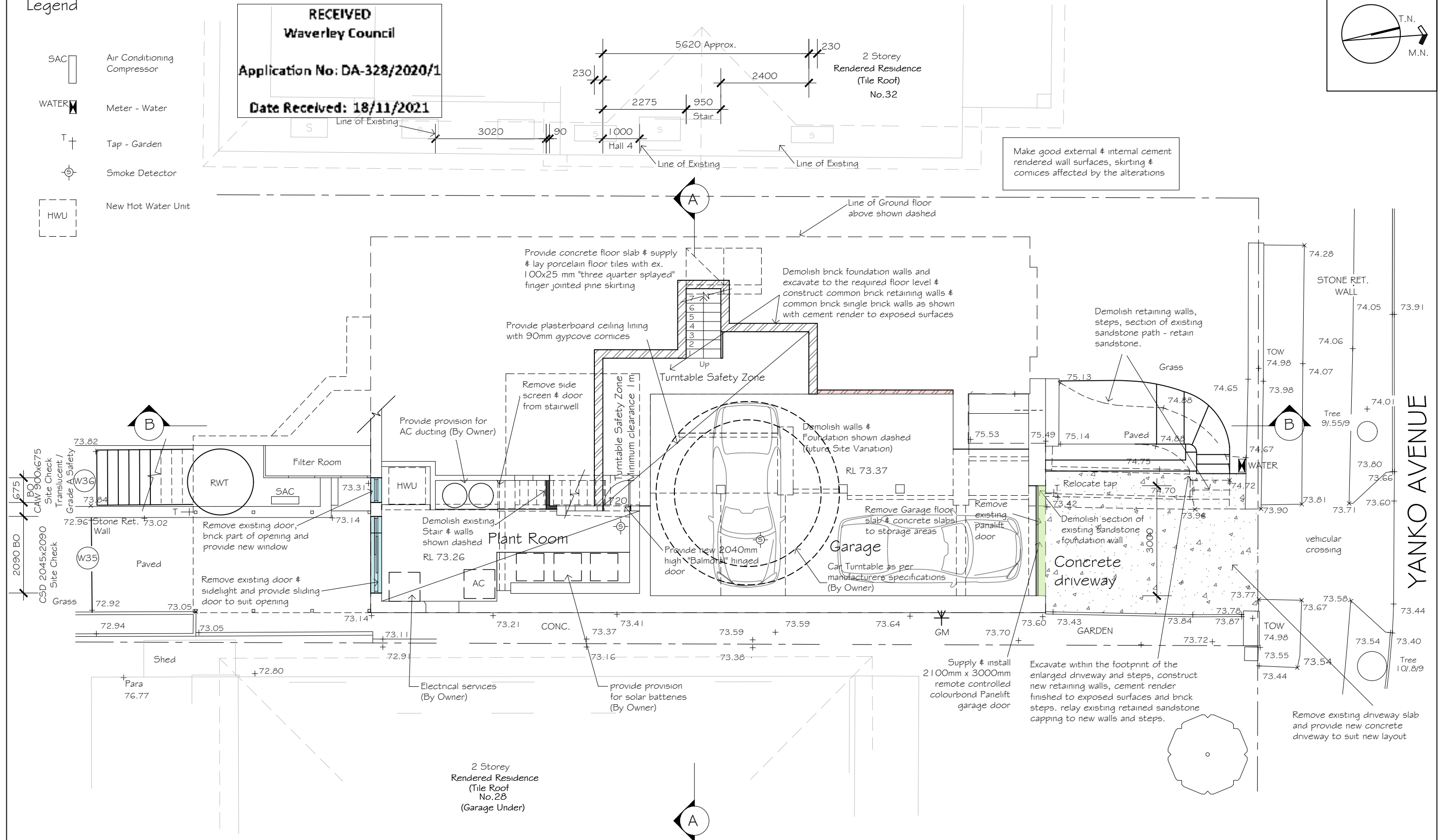
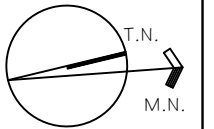
Legend



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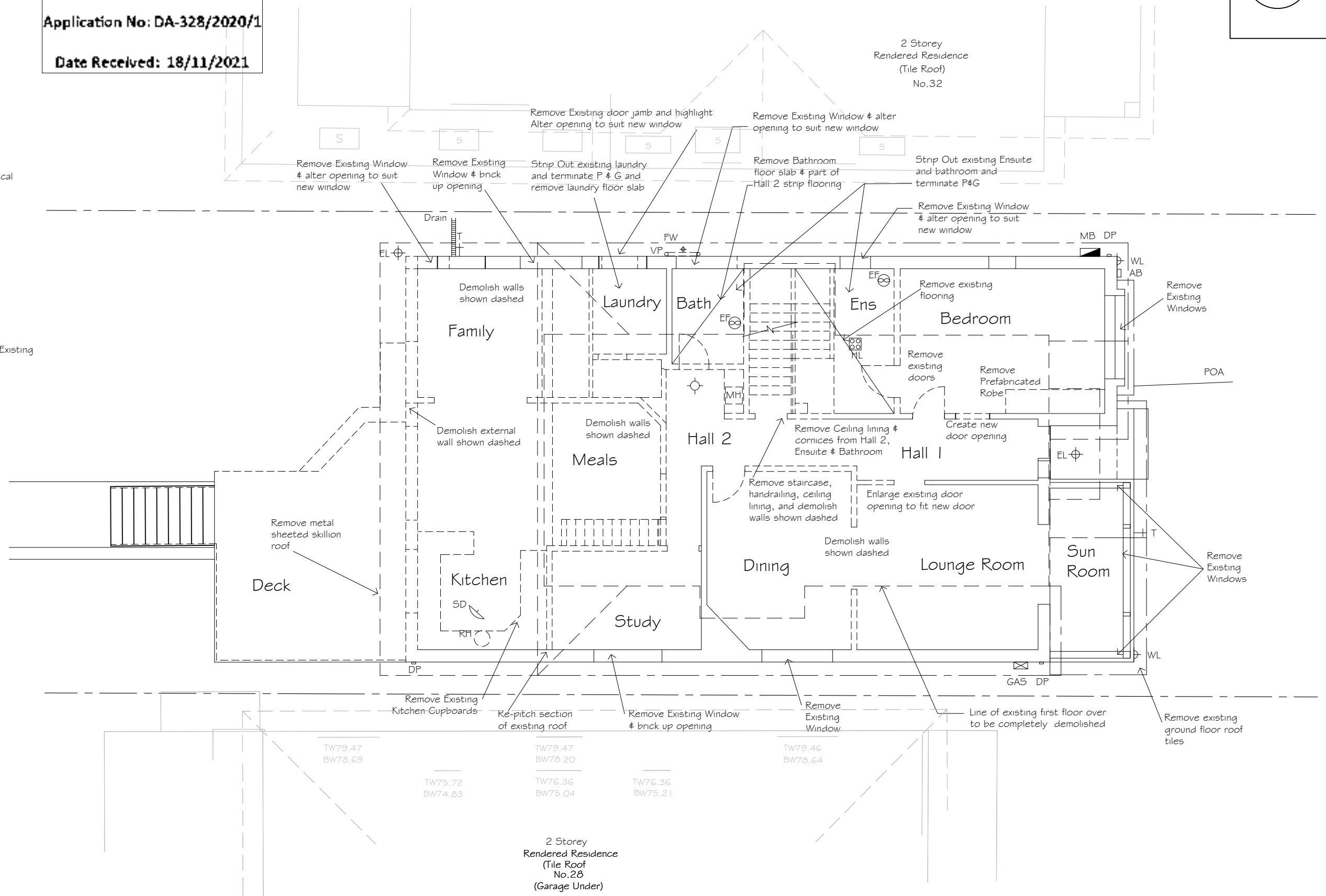
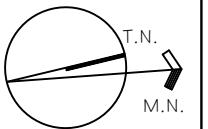
Proposed Lower Ground Floor Plan (Basement)

AMENDED PLANS

Legend

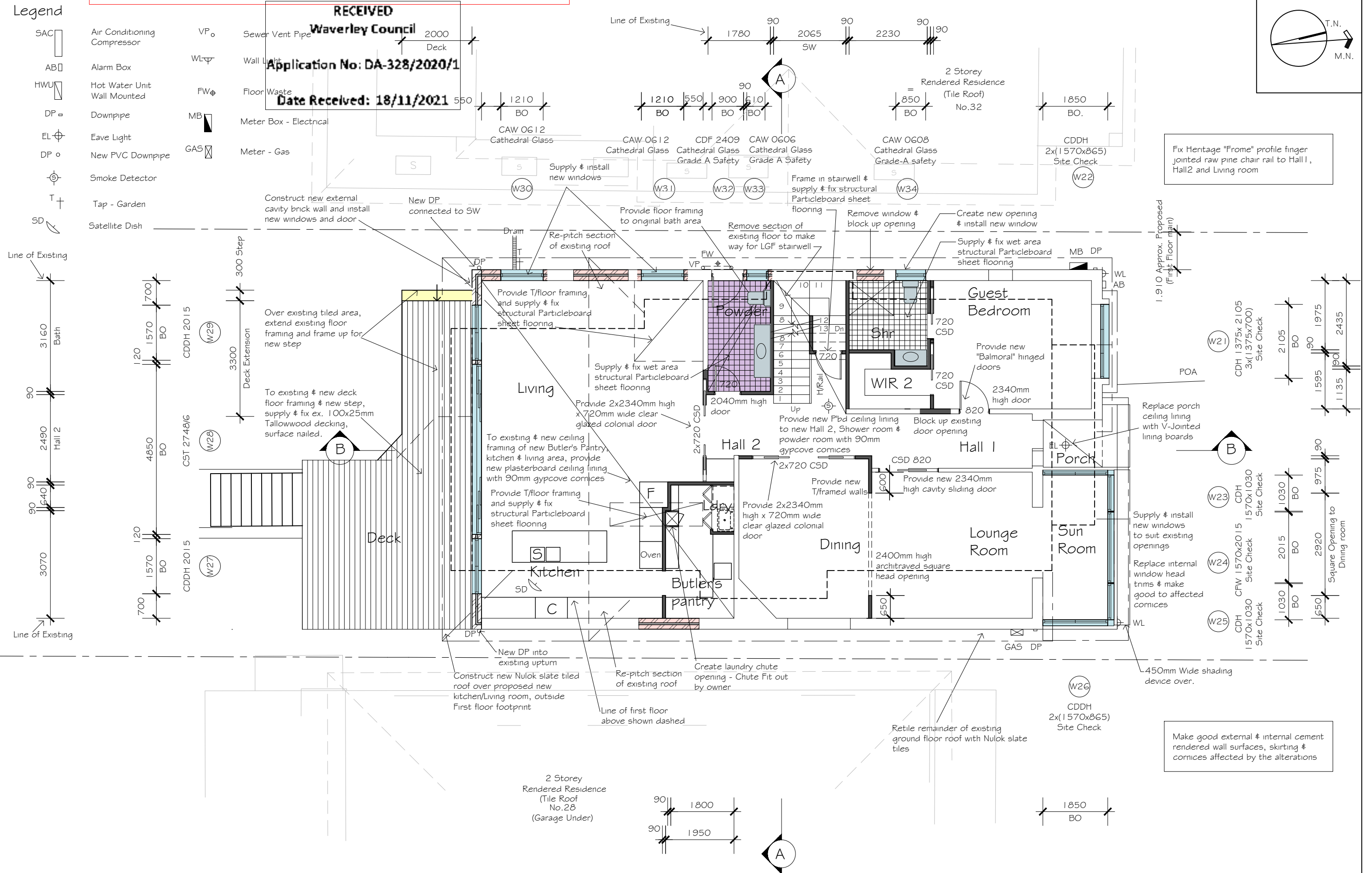
SAC	Air Conditioning Compressor
AB	Alarm Box
HWU	Hot Water Unit Wall Mounted
DP	Downpipe
EL	Eave Light
EF	Exhaust Fan
HL	Heater/Light
MB	Meter Box - Electrical
GAS	Meter - Gas
MH	Manhole
RH	Range Hood
SD	Satellite Dish
⊙	Smoke Detector - Existing
T	Tap - Garden
VP	Sewer Vent Pipe
WL	Wall Light
FW	Floor Waste

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Application No: DA-328/2020/1
Date Received: 18/11/2021



Existing Ground Floor - Demolition Plan










AMENDED PLANS



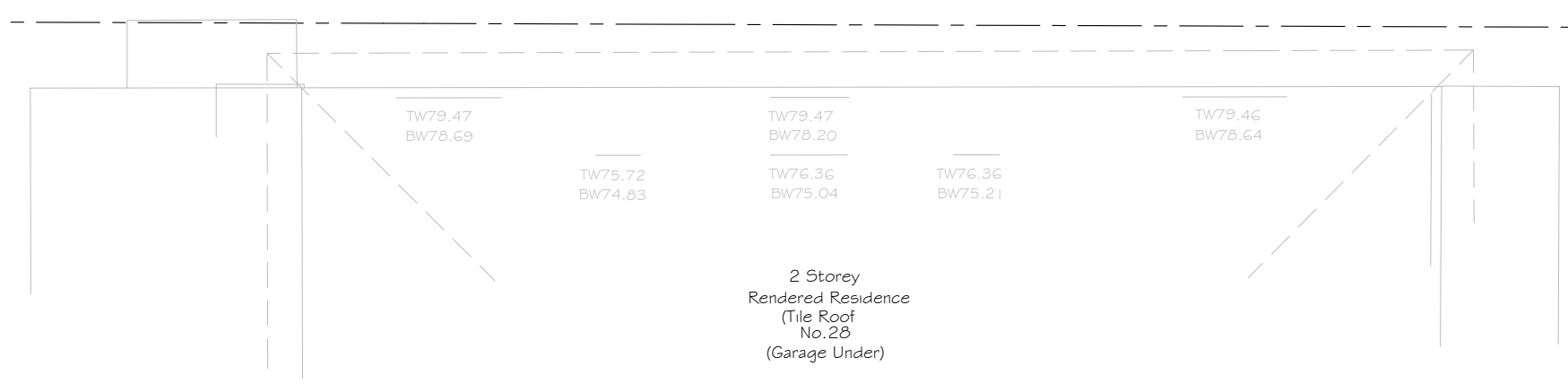
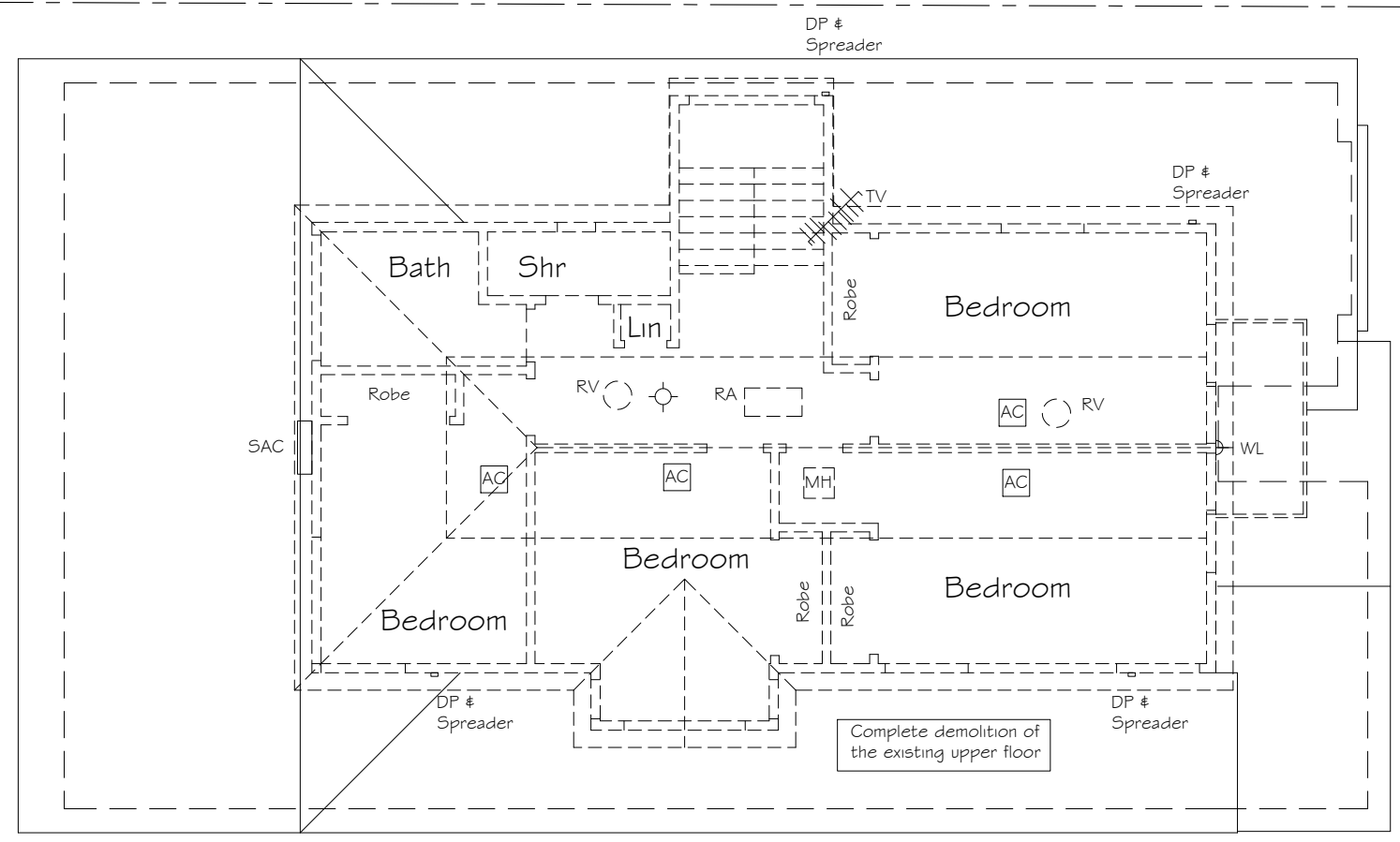
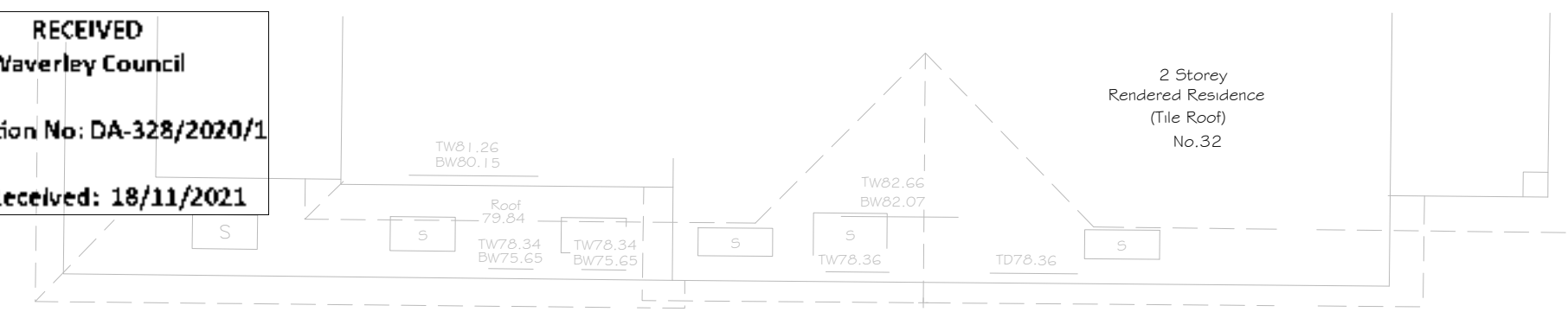
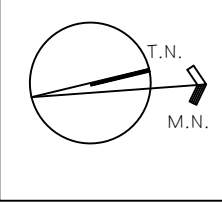
Proposed Ground Floor Plan

AMENDED PLANS

Legend

- SAC  Air Conditioning Compressor
- DP  Downpipe
- AC  AC Ceiling Grille
- MH  Manhole
- RA  Return Air Grill
- RV  Roof Ventilator
-  Smoke Detector - Existing
- T.V.  TV Antenna - Owner to relocate as required
- WL  Wall Light

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Application No: DA-328/2020/1
Date Received: 18/11/2021



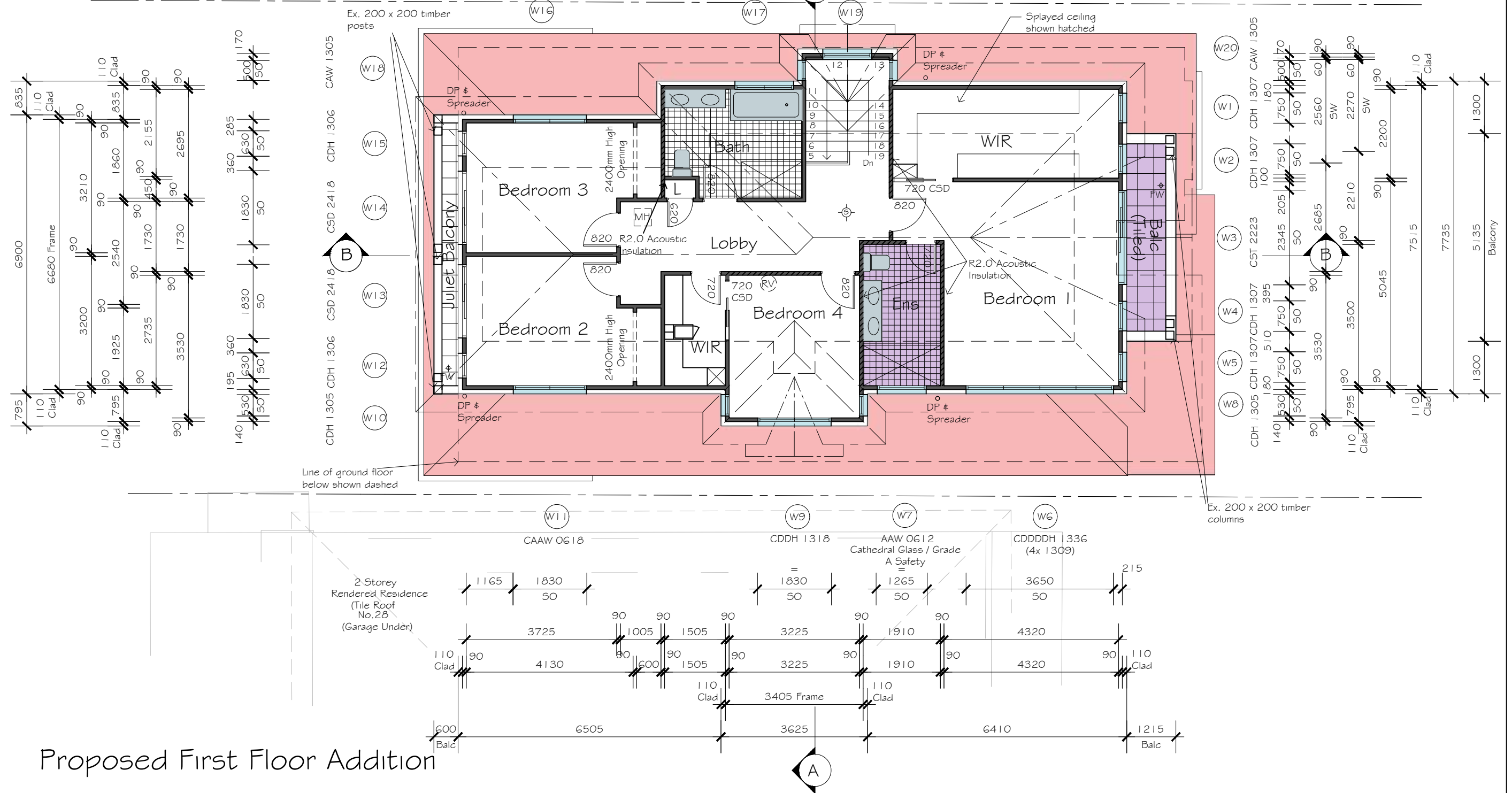
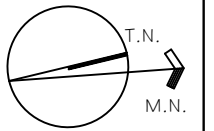
Existing First Floor - Demolition Plan

AMENDED PLANS

Legend

- DP o Downpipe
[MH] Manhole
RV Roof Ventilator
Smoke Detector
FW Floor Waste

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Application No: DA-328/2020/1
Date Received: 18/11/2021



Proposed First Floor Addition

AMENDED PLANS

Legend

RV 

Roof Ventilator



Fixed Skylight
Velux FS/CO I (550x700mm)

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TW81.26
BW80.15

Roof

TW78.34

TW78.34

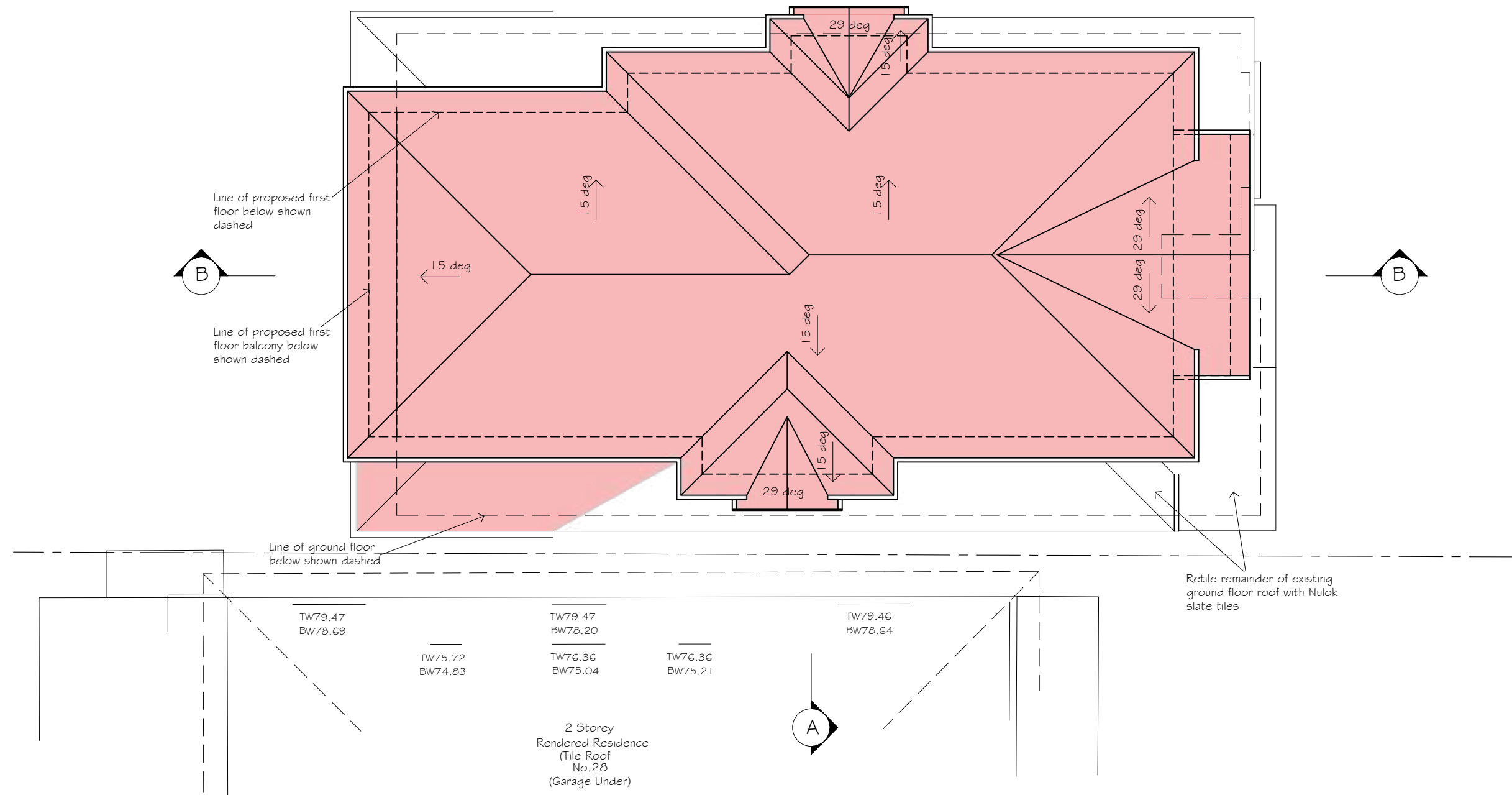
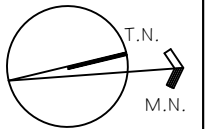
TW82 64

BW82.0

S |

TD78.36

2 Storey
Rendered Residence
(Tile Roof)
No.32



Proposed Roof Plan

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1000 mm high clad Balustrade and
center section, 650mm high clad with
250mm square dressed vertical picket
pine frieze with double top rail

Shingle cladding
to match existing

Vertical battens
to match existing

Outline of exiting
First Floor

82.87
RIDGERIDGE
83 2RIDGE
83.41

Max Ridge level
RL 82.715

U/side of new Bottom
Chord RL 81.800

U/side of new Bottom
Chord RL 81.500

Top of New Particleboard
Flooring RL 79.070

U/side of Existing Ceiling
Lining RL 78.570

Top of GF Existing
Flooring RL 75.61

Top of Garage Flooring
RL 73.37

Top of LGF Existing
Flooring RL 73.26

North Elevation

Outline of exiting
First Floor

7m Wall Height Control

Max Ridge level
RL 82.715

U/side of new Bottom
Chord RL 81.800

U/side of new Bottom
Chord RL 81.500

Top of New Particleboard
Flooring RL 79.070

U/side of Existing Ceiling
Lining RL 78.570

Top of GF Existing
Flooring RL 75.61

Top of Garage Flooring
RL 73.37

Top of LGF Existing
Flooring RL 73.26

East Elevation

FOR: MR R DEVERELL & DR I INDER

AT: 30 YANKO AVENUE, BRONTE 2024

SCALE: 1 : 100

SHEET: 9 OF 15

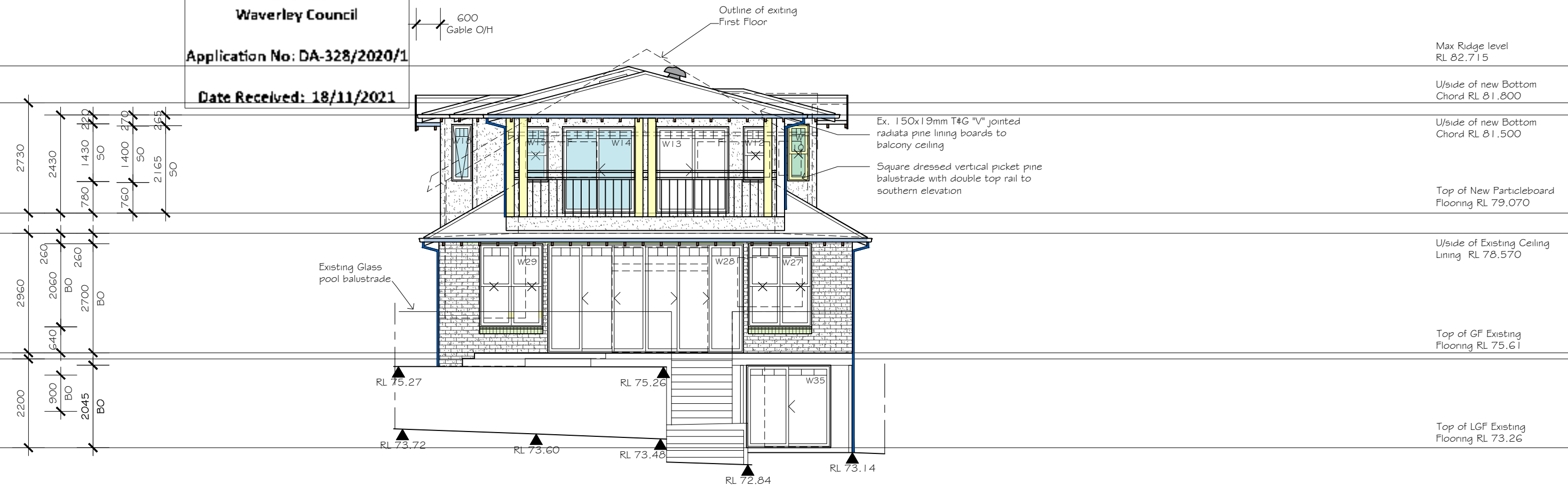
JOB NO: 8046

1

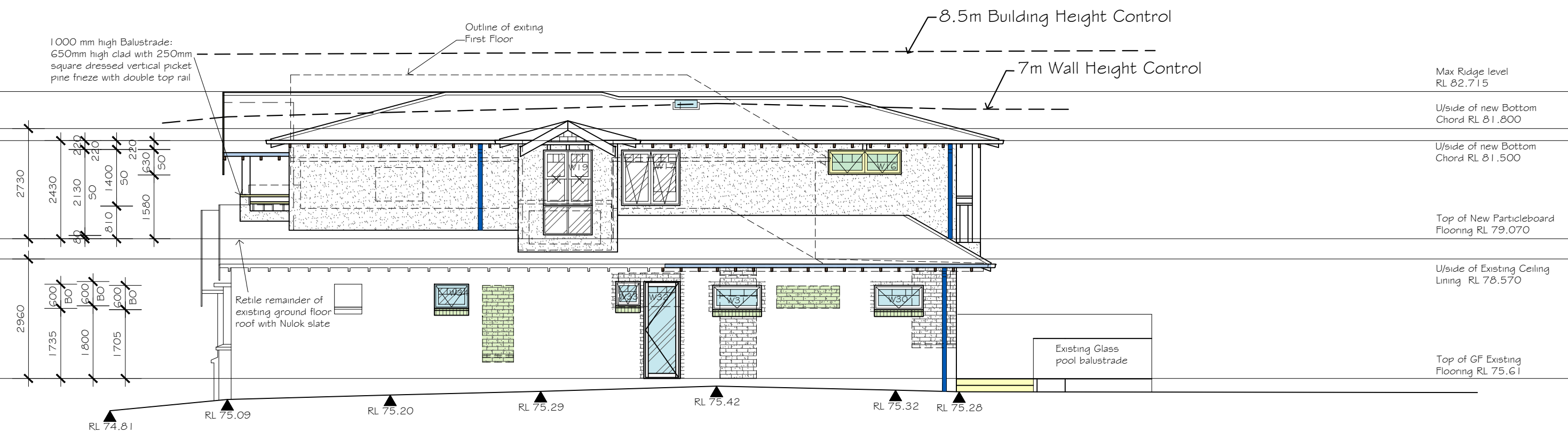


AMENDED PLANS

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Application No: DA-328/2020/1
Date Received: 18/11/2021



South Elevation



West Elevation

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Application No: DA-328/2020/1
Date Received: 18/11/2021

560
To Frame
450
To Cladding
Roof Pitch 15.0°
270
1000

Max Ridge level
RL 82.715

U/side of new Bottom
Chord RL 81.800

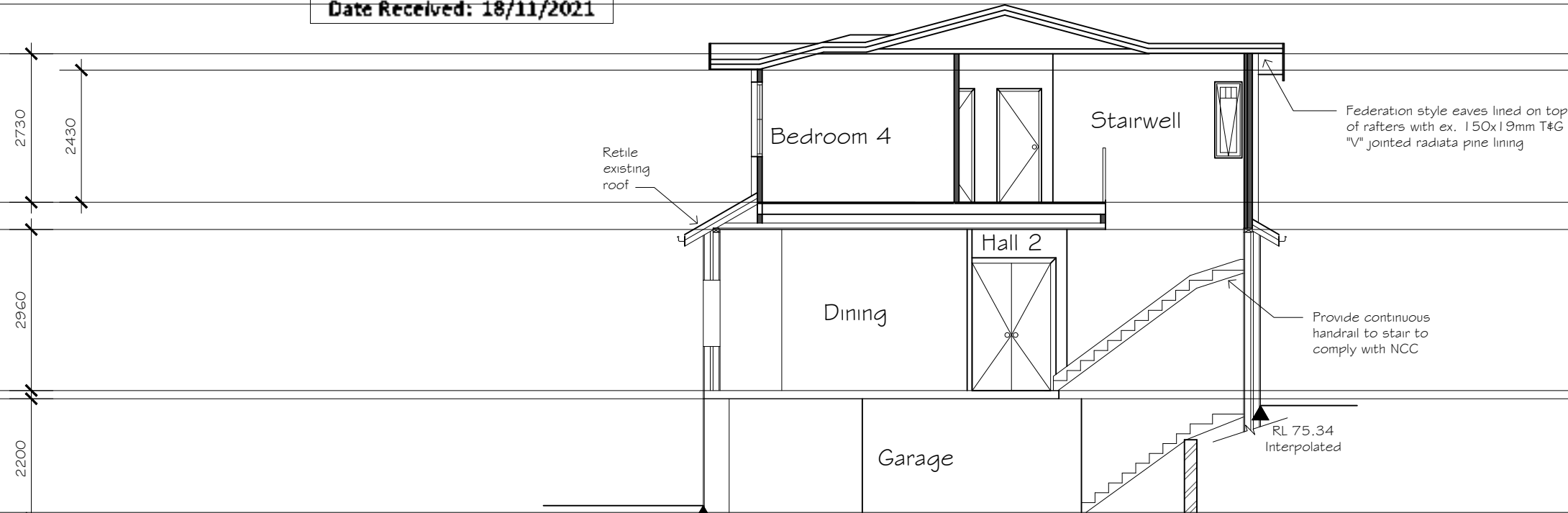
Pitching Plate
RL 81.500

Top of New Particleboard
Flooring RL 79.070

U/side of Existing Ceiling
Lining RL 78.570

Top of GF Existing
Flooring RL 75.61

Top of Garage Flooring
RL 73.37



Section A-A

450
Gable O/H

Max Ridge level
RL 82.715

U/side of new Bottom
Chord RL 81.800

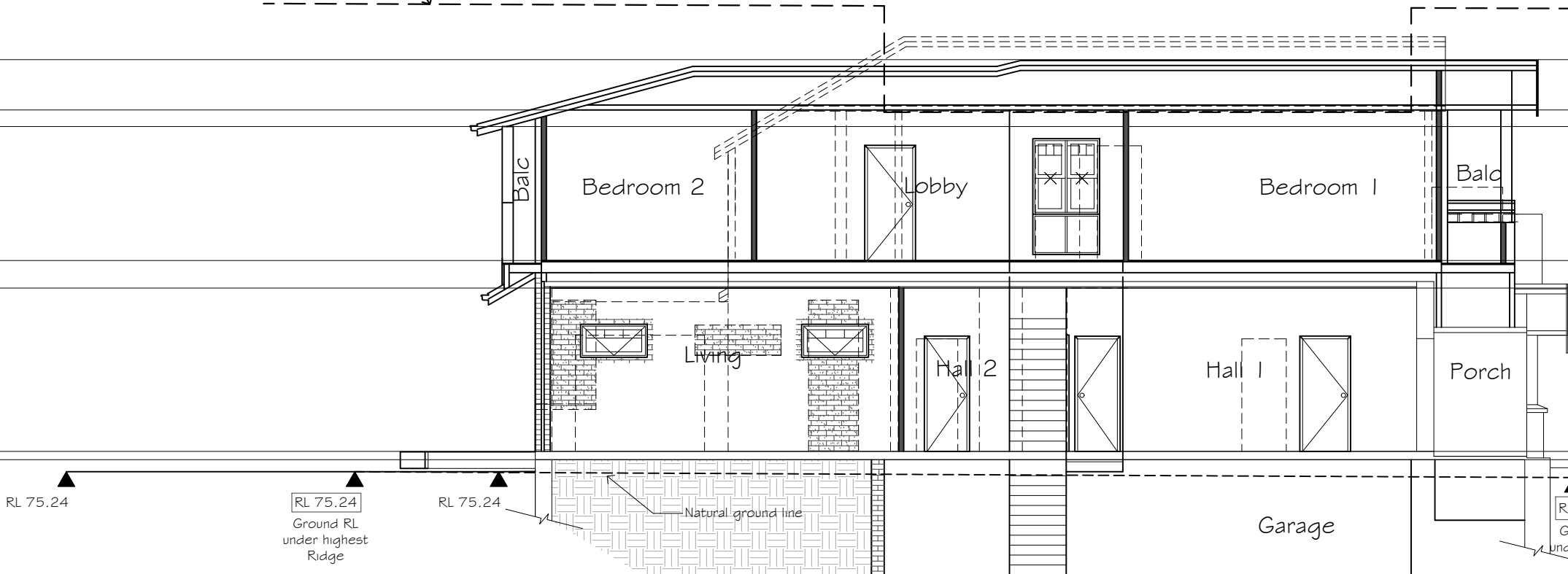
Pitching Plate
RL 81.500

Top of New Particleboard
Flooring RL 79.070

U/side of Existing Ceiling
Lining RL 78.570

Top of GF Existing
Flooring RL 75.61

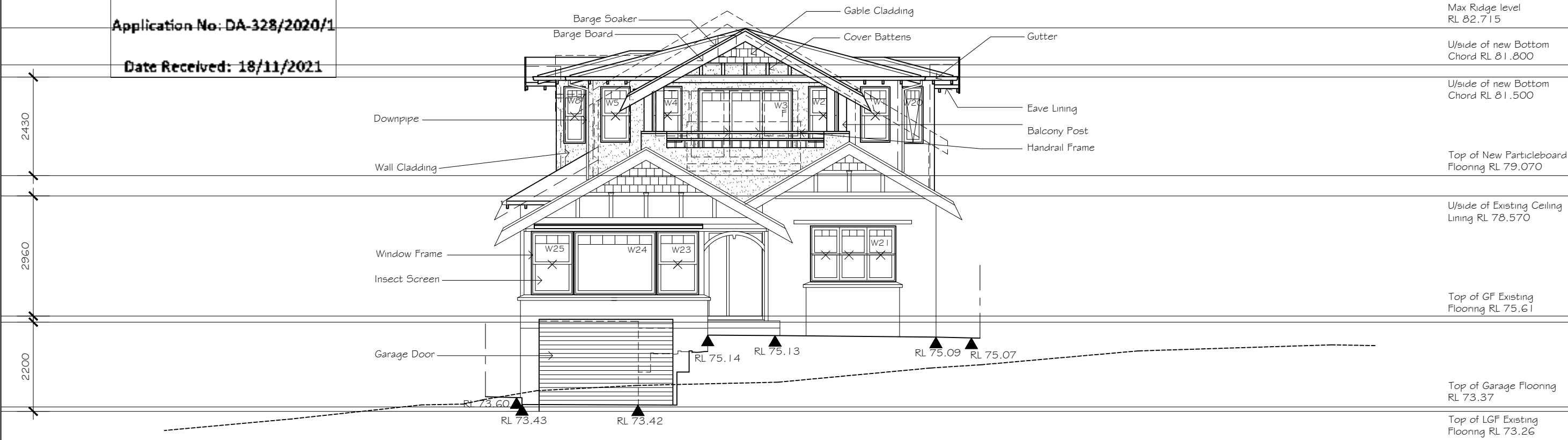
Top of Garage Flooring
RL 73.37



Section B-B

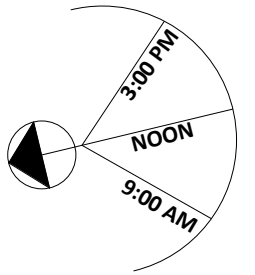
AMENDED PLANS

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Application No: DA-328/2020/1
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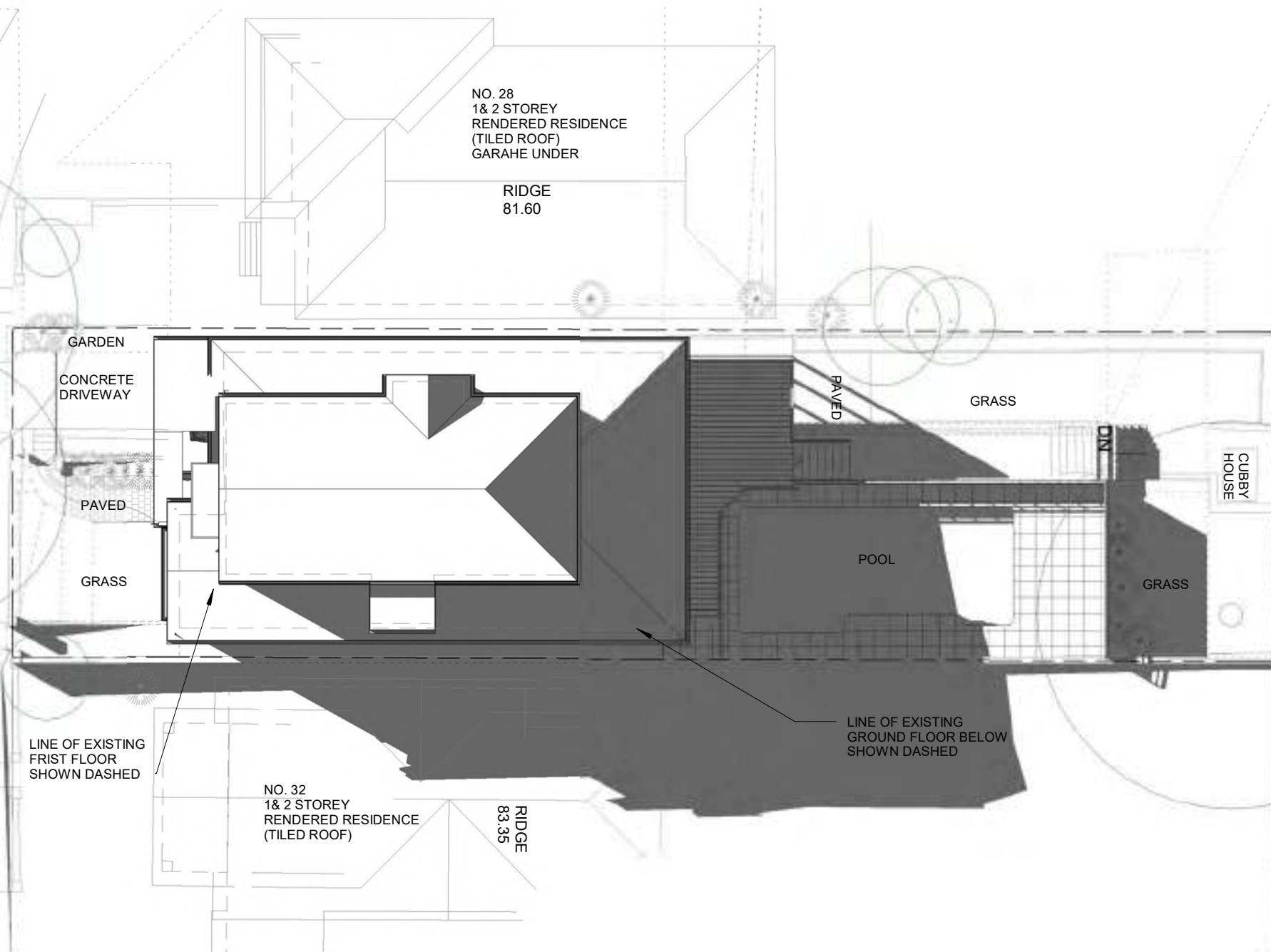


North Elevation

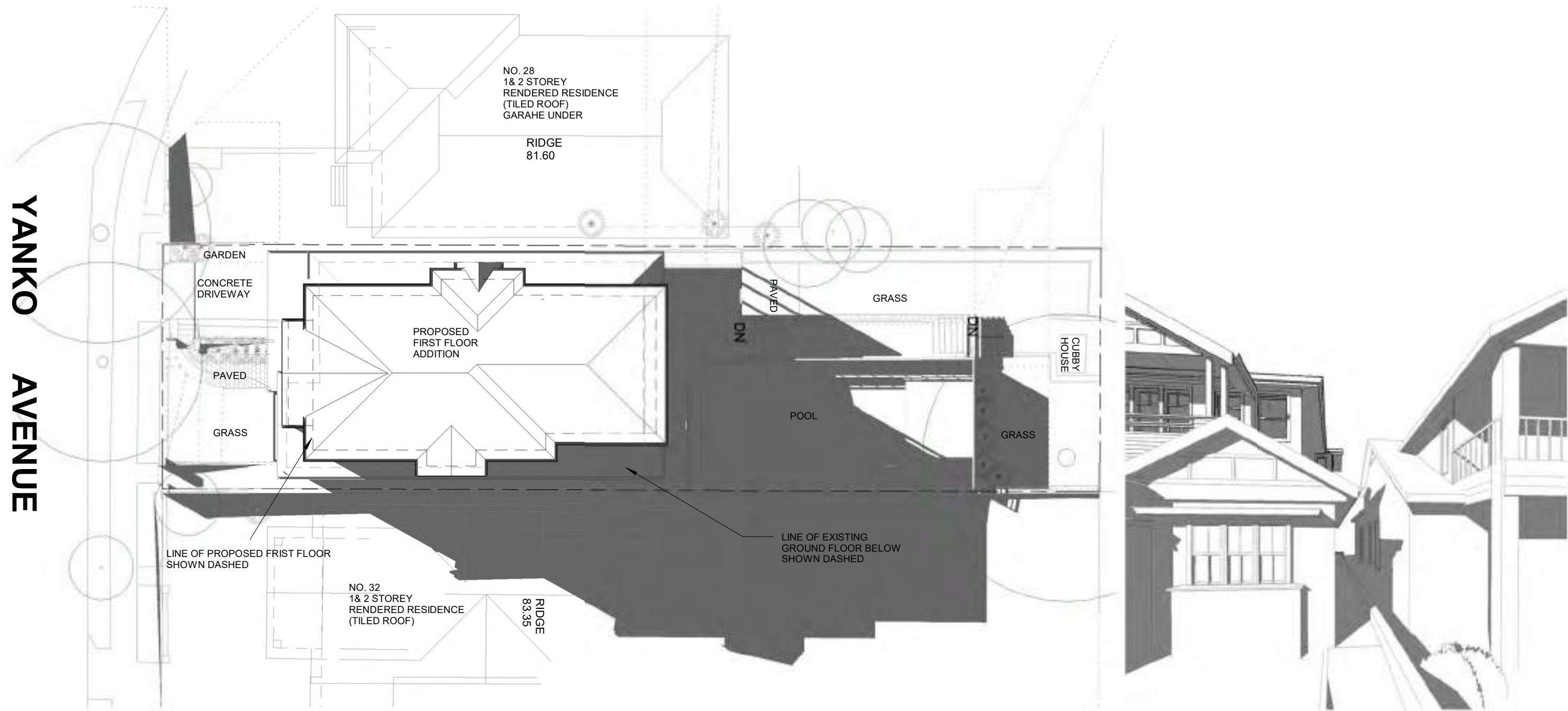
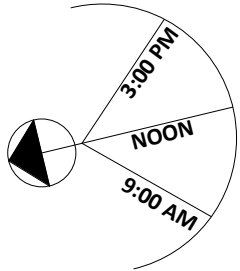
External Finishes & Colours			
	Material	Colour	Swatch
Lining Boards	Fibre Cement Sheeting	Vivid White	
Gable Cladding	Fibre Cement Sheeting	Vivid White	
Gable Cladding	Weathertex Shingles	Vivid White	
Cover Battens	Timber	Vivid White	
Wall Cladding	Polystrene with Texture Coat Finish	Scholarship	
Window Frame	Western Red Cedar	Vivid White	
Insect Screen	Prefinished Aluminium	Pearl White	
Gutters	Prefinished Zincalume	White	
Downpipes	PVC	Scholarship	
Barge Boards	Timber	Vivid White	
External Handrail Frame	Timber	Vivid White	
Deck Post	Timber	Vivid White	
Deck Beam	Timber	Vivid White	
Garage Door	Timber	Vivid White	



YANKO AVENUE

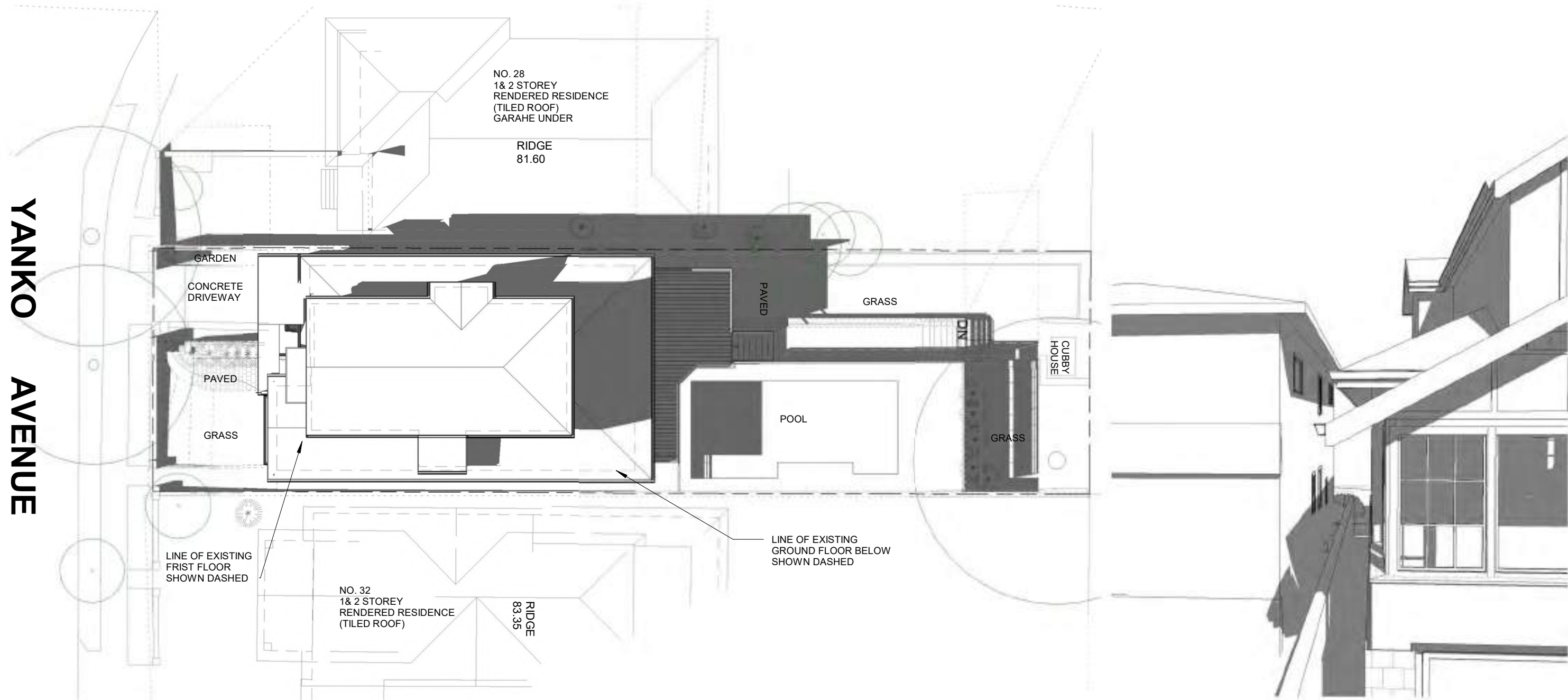
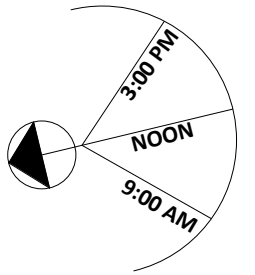


9AM EXISTING SHADOWS
WINTER SOLSTICE

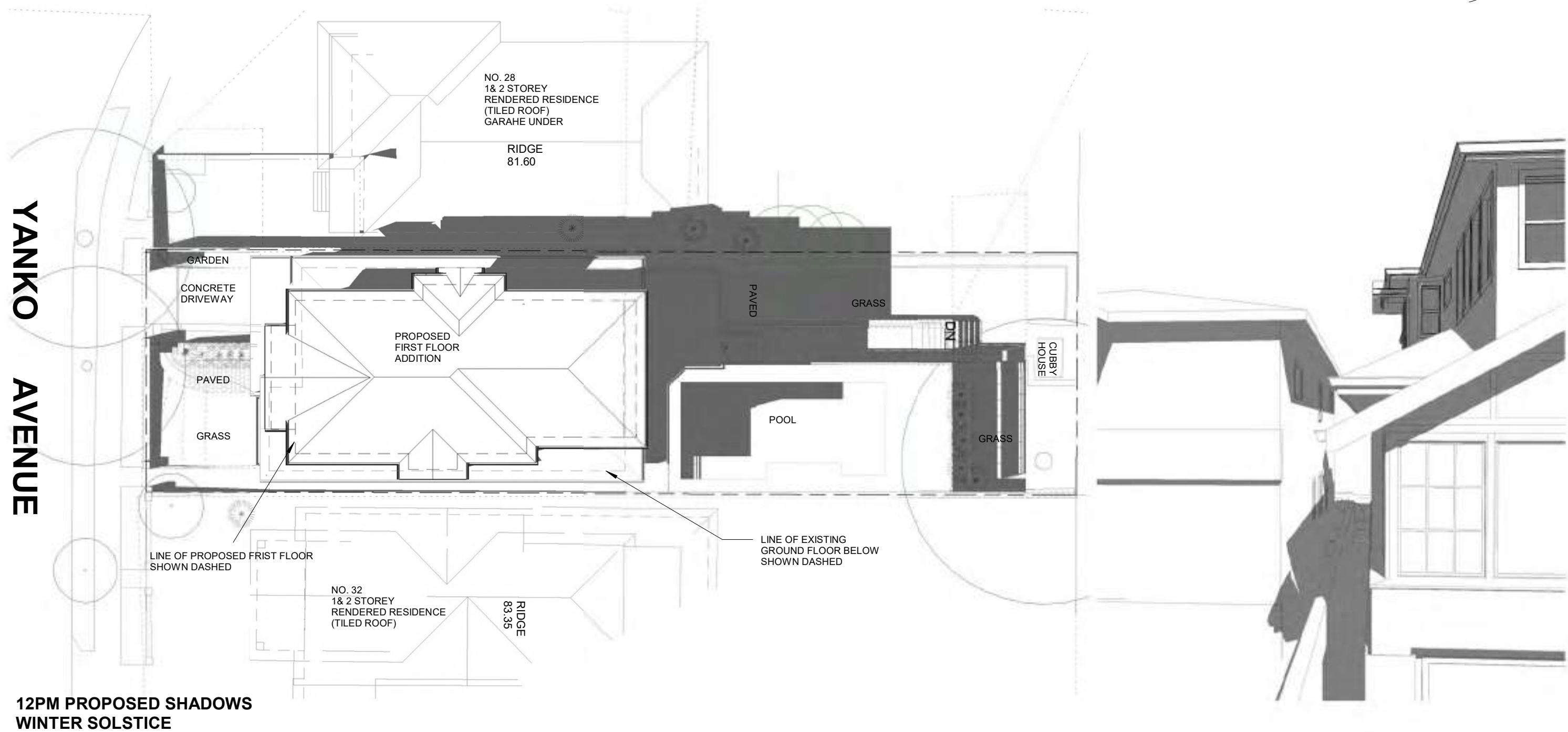
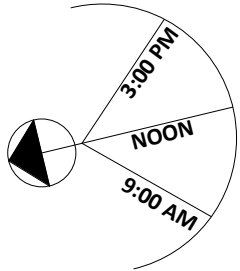


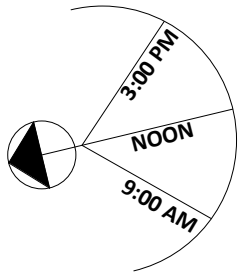
9AM PROPOSED SHADOWS

WINTER SOLSTICE

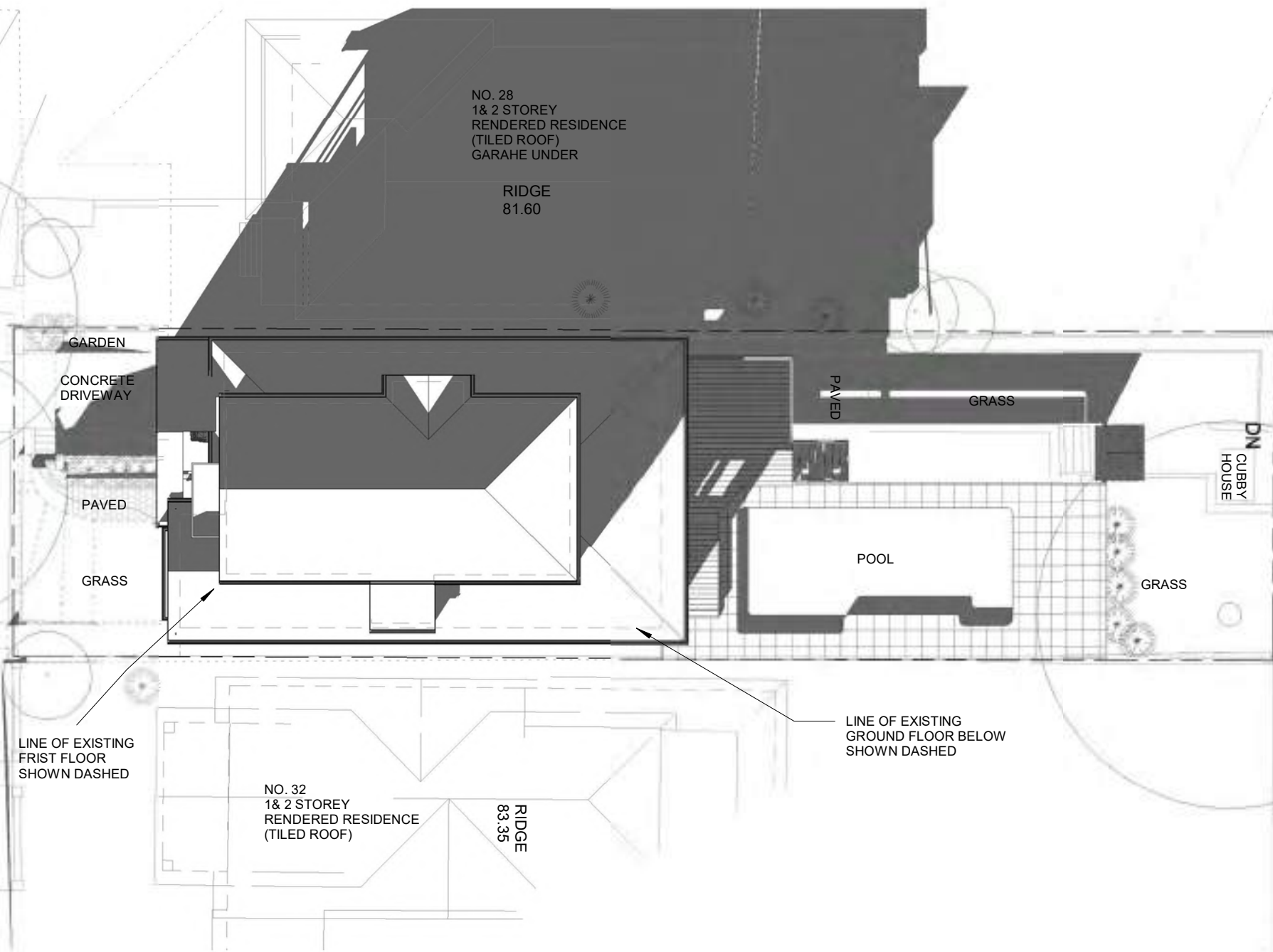


12PM EXISTING SHADOWS
WINTER SOLSTICE

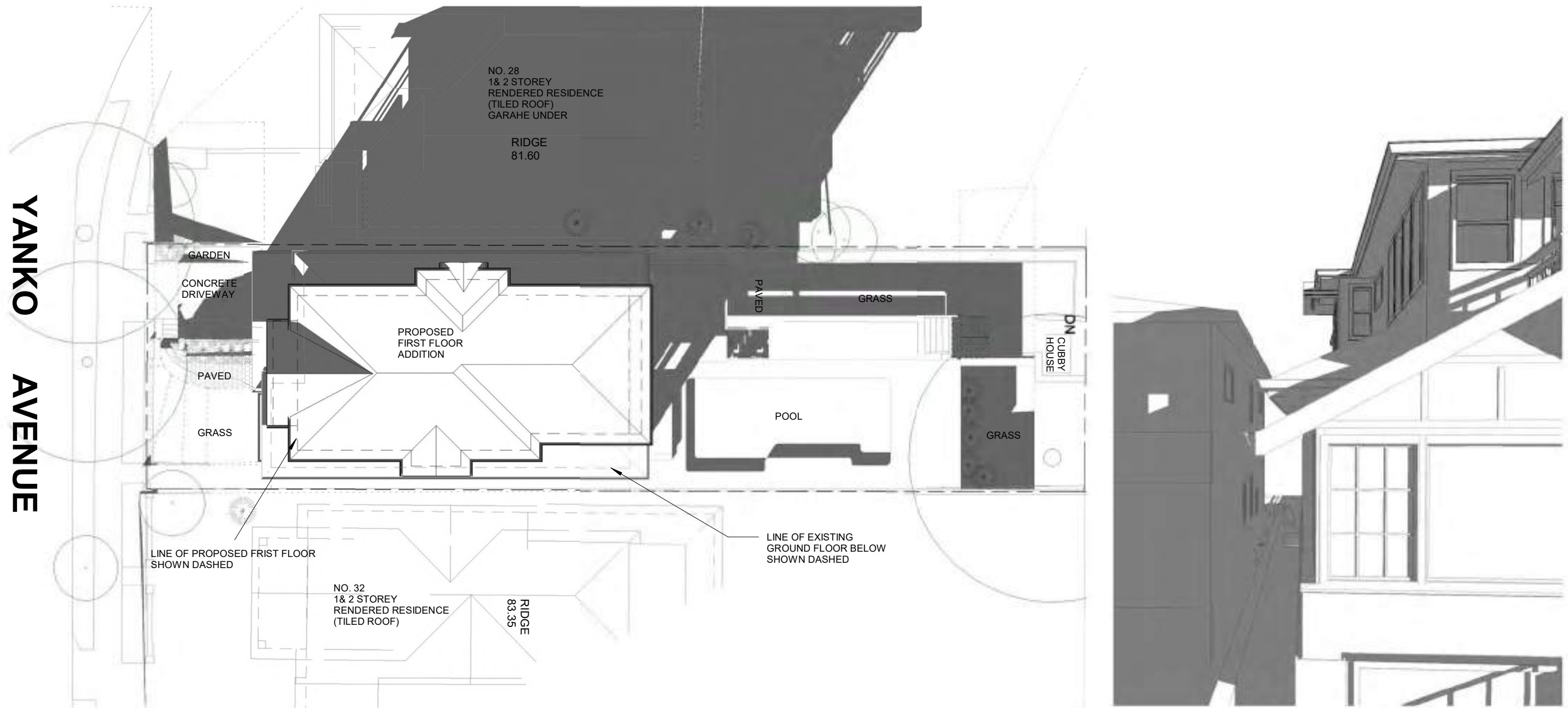
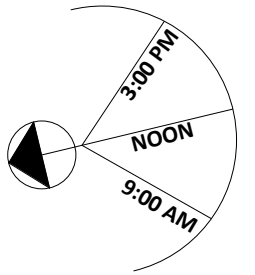




YANKO AVENUE



3PM EXISTING SHADOWS
WINTER SOLSTICE



3PM PROPOSED SHADOWS
WINTER SOLSTICE



Report to the Waverley Local Planning Panel

Application number	DA-316/2015/D
Site address	157-159 Military Road, DOVER HEIGHTS
Proposal	Modification including reduction in the number of units from six to three, increase in gross floor area, internal reconfiguration and various other alterations to the façade.
Description of Approved Development	Demolition of existing building, construction of mixed use building with basement car parking and strata subdivision.
Date of lodgement	27 August 2021 (Amended on 11 and 19 November 2021)
Owner	Roia Development Pty Ltd and Iomt Developments Pty Ltd
Applicant	MHN Design Union
Submissions	One submission received (on behalf of three properties).
Amended cost of works	\$2,796,731
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with height of buildings and floor space ratio development standards. • Loss of motorcycle parking. • Planning Agreement.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-316/2015 (as modified by DA-316/2015/C) for a new three storey shop top housing development with basement car parking at the site known as 157-159 Military Road, Dover Heights. In summary, the proposed modifications reduce the number of units from six to three and increase gross floor area, principally on ground floor level, while predominantly retaining the perceived building envelope of the approved development.

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

- Non-compliance with height of buildings and floor space ratio development standards under Waverley Local Environmental Plan 2012 (Waverley LEP 2012); and
- Loss of motorcycle parking.

The assessment finds these issues acceptable, subject to a condition being added to consent that requires the basement car park to accommodate two motorcycle parking spaces for the approved development, as proposed to be modified. Further, the applicant has offered to enter into a separate planning agreement for the additional gross floor area, that exceeds the floor space ratio development standards under Waverley LEP 2012.

A total number of one submission on behalf of three properties was received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application and recently on 19 November 2021.

The site is identified as Lot 1 in DP 126719, known as 157-159 Military Road, Dover Heights. The subject site is located on the south-eastern corner of the Military Road and Blake Street intersection. The site is rectangular in shape with a western front boundary to Military Road measuring 15.24m, northern secondary boundary to Blake Street measuring 28.955m, a southern side boundary measuring 30.48m and eastern rear boundary measuring 16.765m. The site includes a 2.165m splay corner, has an area of 509.8m² and is generally flat.

The site was formerly occupied by a single storey brick building with three commercial tenancies and two detached rear sheds. These buildings have recently been demolished and early works of the approved development on the site have commenced.

The subject site is adjoined by a mixed residential/commercial development to the south and a detached dwelling to the east. The locality is characterised by a variety of residential developments including dwellings, mixed commercial uses and residential flat buildings.

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



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



Figure 2: Site as viewed from Blake Street, looking south

1.3. Details of Approved Development

The original development application, known as DA-316/2015 for demolition of the existing building, construction of mixed-use building (or shop top housing) with basement car parking and Strata subdivision, was granted deferred commencement consent on 24 March 2016 by the Development and Building Unit. This included the applicant entering into a planning agreement with Council for an additional 15% of gross floor area (GFA). The approved shop top housing development contained six units, retail space and two car spaces on the ground floor and basement parking for seven vehicles. The consent was activated on 14 August 2018.

Previous modification applications have been determined as follows:

- DA-316/2015/A was approved on 14 February 2017 by the Development and Building Unit for an extension of time from one to two years for the satisfaction of the deferred commencement matters.
- DA-316/2015/B was approved by the Waverley Local Planning Panel on 28 November 2020 for modification to alter internal layout, relocation of bicycle parking, modification of residential entry and various other external alterations. An additional Planning Agreement contribution was added to the consent for the additional GFA.
- DA-316/2015/C was approved on 18 August 2021 by the Development and Building Unit for modification, including demolition of existing shed, tree removal and landscaping and timing of payment of additional Planning Agreement.

The development consent is not considered to have lapsed, as the approved development has physically commenced with reference to clause 124AA of the *Environmental Planning and Assessment Regulation* prior to the lapse date of 14 August 2023 (i.e. five years from date of satisfaction of the deferred commencement matters).

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:

Basement level

- Relocation of services, garbage room and lift and stairwell;
- Retention of seven car parking spaces; five of which are allocated to residents, one allocated to retail tenancy and the other allocated to visitors;
- Deletion of motorcycle parking and dedicated residential storage areas; and
- Provision of four bicycle spaces; three of which are also counted as storage space for the residential apartments/units.

Ground floor level

- Deletion of two ground floor retail car parking spaces;
- Introduction of arch columns embedded in the ground floor shopfronts along the Military Road and Blake Street elevations. The glass line of these shopfronts has shifted closer towards the site's street boundaries and has consequently marginally increased GFA of the development;
- Conversion of one retail tenancy into two, including additional retail floor area to the development;
- Enclosure of pedestrian entry lobby accessed from Blake Street;
- Deletion of approved garage door/entry gate across Blake Street elevation;
- Provision of a front fence along the eastern part of the Blake Street boundary of the site; and
- Removal of planters above the vehicular ramp leading to the basement carpark.

First and second floor levels

- Reduction of units from six x 2 bedroom units to three x 3 bedroom units;
- Reconfiguration of internal layout of units due to the reduction of units from five to three;
- Deletion of roof garden at first floor level to create a void to lobby/residential entry from Blake Street;
- Enclosure of common circulation lobby/foyer; and
- Squaring out the northern-eastern corner of the development to create a symmetrical façade.

Roof

- Deletion of skylights;
- Relocation of lift overrun and access hatch; and
- Minor increase of height of roof parapet.

The elevations of the development are also proposed to be modified, specifically window sizes and styles, materials and finishes, shopfront details and building articulation due to a change of architects of the project, noting these architects are the same as those who designed the originally approved development (i.e. MHNDU).

1.5. Background

The modification application was lodged on 27 August 2021 and additional information was requested on 26 October 2021, as follows:

1. A separate GFA diagram delineating the extent and location of additional GFA sought by the proposal.

2. Shadow diagrams which distinguish and identify the extent of additional overshadowing caused by the proposed increase of building height.
3. Written justification of the proposed increase of building height.
4. Indication of landowner/developer wishing to enter into a separate planning agreement for additional GFA sought by the proposal.

Further feedback and commentary on the merits of the proposal were relayed to the applicant on 16 November 2021, which recommended the deletion of proposed colonnades across the Blake Street and Military Road frontages and to better detail the external appearance of the gas regulator to Blake Street.

Council received amended plans and additional information on 11, 19, 22 and 23 November 2021.

The overall submission of amended documents during the assessment effectively provided for additional information rather than making significant design amendments to the DA. Notwithstanding, a summary of amendments to the original form of the DA when it was initially lodged is as follows:

- The glass line of the ground floor level shifted to aligned to remove the formerly proposed colonnades across the Military Road and Blake Street frontages, which results in a net increase of 16.77m² of GFA;
- Addition of open metal security fence and door to the main residential foyer accessed from Blake Street;
- Metal cladding added to the gas regulator enclosure to align with the materiality of the residential level; and
- The additional information related to technicalities, such as shadow diagrams and revised Statement of Environmental Effects to justify the non-compliances with the height of buildings and Floor Space Ratio (FSR) development standards, as well as an offer to enter into a planning agreement for the additional gross floor area.

These amended documents did not change the fundamentals of the substance of the DA nor amended the design in such a way that would result in additional and/or greater impacts, and form the basis for the assessment of this DA.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the

following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified, and one submission was received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 65 (Design Quality of Residential Apartment Development).
- SEPP (Vegetation in Non-Rural Areas) 2017.
- SEPP (Infrastructure) 2007.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP 65 (Design Quality of Residential Apartment Development)

The approved development and approved development, as modified by DA-316/2015/B, was considered to be a SEPP 65-affected building, as it comprised four or more dwellings, as per clause 4 of SEPP 65. Given that the approved development, as proposed to be modified, reduces dwellings of the building from six to three, SEPP 65 no longer applies.

Notwithstanding, the approved development, as proposed to be modified, has had regard to the design quality principles of SEPP 65 and the Apartment Design Guide (ADG) and performs satisfactorily against these principles and guidelines. This is especially due to the approved development, as proposed to be modified, converting six x two-bedroom units into three over-sized three-bedroom units, two of which having three aspects and all having optimal solar and daylight access, natural cross-ventilation and outlooks and views.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as 'shop top housing' remains unchanged and continues to be permitted development in the B1 Neighbourhood Centre Zone under Waverley LEP 2012.

The numerical aspects of the approved development, as proposed to be modified, have changed as outlined in **Table 1** in relation to principal development standards under Waverley LEP 2012 and are discussed in detail below.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Original Approval (DA-316/2015)	Latest Approval (DA-316/2015/B)	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none">9m	RL87.040 9.83m	RL 87.040 9.83m	RL 87.200 9.99m (0.16m increase)	No
4.4 Floor space ratio <ul style="list-style-type: none">1:1Site Area/Max GFA: 509.8m²	1.15:1 586.27m ² 15% variation	1.2:1 612m ² 20% variation	1.39:1 711.41m ² 39.5% variation (99.41m ² increase)	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 0.16m, resulting in an overall building height of 10.23m. This culminates in an overall exceedance of the height of buildings development standard by 9m or 11%. The net increase of building height due to the proposed modification represents 16% 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 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 justification provided by the applicant to support the increased exceedance of the height of buildings development standard is summarised as follows:

- *Floor to floor heights of the development have been adjusted from 3.06m to 3.1m to meet ADG requirements.*
- *The parapet has been raised in order to provide adequate falls in roof to suit Australian Standards. The parapet has been off set from the roof's edge to minimise shadow impacts.*
- *The increase of building height will not result in additional shadowing that would have an adverse impact on the amenity of adjoining properties. It will also not result in view loss and other amenity impacts on adjoining properties.*
- *The additional building height is consistent with the objectives of the height of buildings development standard.*
- *The additional building height does not significant increase the approved building envelope and will not add additional scale, bulk or massing to the development.*
- *The proposal is contextually appropriate and compatible with the bulk and scale of buildings in the B1 Neighbourhood Centre Zone while having a positive relation with dwellings in the R2 Low Density Residential Zone to the east and south of the site.*
- *The approved development, as proposed to be modified, has been designed to limit any adverse impacts upon the low-density residential uses while being consistent with other surrounding buildings, such as the three storey shop top housing development to the north of the site and on the opposite site of Blake Street.*
- *The proposal largely retains the approved building envelope, and no additional bulk or scale are proposed to be added. The improvements to the facades of the building including additional levels of articulation and materials contributes to reducing the overall bulk and scale of the proposal within the streets.*

The points raised by the applicant and summarised above are considered acceptable. The net increase of building height to the approved development, as proposed to be modified, is nominal (i.e. 160mm) and will not be discernible to neighbouring properties and the immediately surrounding public domain. The shadow diagrams submitted following the additional information request of 26 October 2021, indicate minor additional overshadowing impact ; however, will not result in any loss of solar access to window openings and private open space areas of neighbouring properties, as the additional shadowing falls on walls and roofs of neighbouring buildings. Further, the additional building height does not cause any view loss or visual and acoustic privacy impacts and very few discernible visual impacts. Therefore, the applicant has adequately justified that the increased building height of the approved development, as proposed to be modified, preserves the environmental amenity of neighbouring properties and the surrounding public domain.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the height of buildings development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of GFA of 99.41m², resulting in an overall FSR of 1.39:1. This culminates in an overall exceedance of the FSR development standard by 201.61m² or 39.5%. The net increase of FSR due to the proposed modifications represents 49.3% 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 additional GFA is largely contained within the approved building envelope due to:*
 - *removing two car parking spaces;*
 - *reducing the back of house area fronting Blake Street;*
 - *increasing street activation with more retail frontage; and*
 - *including new residential lobbies/foyers to all floor levels.*
- *The additional GFA/FSR is consistent with the objectives of the FSR development standard.*
- *Despite the variation, the proposed FSR correlates appropriately with the maximum building height as the built form on the site is appropriate in its context and is consistent with the three storey development as envisaged by the height limit of 9m.*
- *The proposed built form is also consistent with specific development controls in Waverley Development Control Plan 2012, further demonstrating that the bulk, scale and streetscape outcomes of the development are compatible and appropriate with the site.*
- *The proposed height, bulk and scale will appear compatible with surrounding properties and also sit comfortably alongside its adjoining neighbours.*
- *The increased FSR does not alter the overall scale, bulk or massing of the building as there are no increases to the building envelope and the additions of GFA are contained within the envelope itself.*

- *The proposal is contextually appropriate and compatible with the bulk and scale of buildings in the B1 Neighbourhood Centre Zone while having a positive relation with dwellings in the R2 Low Density Residential Zone to the east and south of the site.*
- *The approved development, as proposed to be modified, has been designed to limit any adverse impacts upon the low-density residential uses while being consistent with other surrounding buildings, such as the three storey shop top housing development to the north of the site and on the opposite site of Blake Street.*
- *The retail and residential units of the approved development, as proposed to be modified, will enjoy a high degree of internal amenity, which further demonstrates that the proposal is not an overdevelopment of the site.*
- *The overall scale of the development is considered to preserves the amenity of neighbouring properties and minimises adverse impacts on those properties.*
- *The proposed orientation of units is generally towards the respective street frontages, which avoids any visual privacy impacts to surrounding properties.*
- *The deep soil planting areas along the eastern and rear portion of the site provides for an appropriate visual buffer between the site and adjoining properties in the R2 Low Density Residential Zone.*
- *The previously approved modifications to the originally approved development have considered amenity impacts extensively and the subject modifications are largely internal to the development, with the exception of different facade treatments. In this regard, no additional 'real' amenity impacts are anticipated.*

In addition to the above justification, the owner of the property has offered to enter into a separate planning agreement (that is in addition to the currently executed planning agreement for the approved development) for the additional GFA of 99.41m² sought by this modification application. In accordance with Council's Planning Agreement Policy 2014, a monetary contribution of \$192,855.40 would be payable (based on a rate of \$1,940 per m²) and would go towards a public benefit within the immediate locality. At this stage, the terms of the planning agreement have yet to be negotiated and will occur following determination of this modification application, which will be overseen by Council's Strategic Planning department. To give effect to this offer/undertaking by the owner, a separate condition of consent is recommended to be added to the modified consent to require the planning agreement to be drafted and executed with a monetary contribution of \$192,855.40.

The points raised by the applicant and summarised above are considered acceptable. The additional GFA accounts for infilling of lobbies that were designed as breezeways and removal of two car spaces on ground floor level, enclosure of that area for the residential entry foyer and an increased retail space. On this basis, the additional GFA does not manifest in discernible expansions of the physical/perceived building envelope of the approved development, as proposed to be modified. This is further demonstrated by the building setbacks of the development remaining unchanged, and while the overall building height is proposed to be slightly raised by 160mm, as explained in earlier discussions in this report, this height increase will not be overly noticeable from neighbouring properties and the

immediate streetscape. The slight relocation of the shopfronts closer to the site's street boundaries will not result in any discernible additional visual bulk, given that the shopfronts will continue to retain an indent (while being slightly reduced). Further, the additional GFA will not result in any obvious and adverse environmental amenity impacts upon neighbouring properties, in terms of privacy, overshadowing, view loss and visual impact. Therefore, the applicant's justification and explanation of the further increase of GFA of the development are sound and well-founded.

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

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

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below these tables.

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. The bin provisions for the development specified in condition 30 of the current development consent remain the same despite the loss of two units and slight increase of retail space of the development.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory as deep soil landscaping is retained within the eastern setback area of the development.
6. Stormwater	Yes (by condition)	Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport Zone 2 RFBs Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 1.5 x 3 (3 bed) = 4.5 or 5 spaces Visitor parking:	Yes (by condition)	The overall number of car parking spaces has been reduced from nine to seven, with the following allocations: <ul style="list-style-type: none"> Five resident spaces; One retail space; and One resident visitor space as an accessible space.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 1 per 5 units = 0.6 or 1 space <p>Commercial</p> <p>Minimum parking rate:</p> <ul style="list-style-type: none"> Retail premises: Nil. <p>Maximum parking rate:</p> <ul style="list-style-type: none"> Retail premises: 3.3 or 3 spaces <p>Motorcycle spaces:</p> <ul style="list-style-type: none"> Resident: 2 spaces <p>Bicycle spaces:</p> <ul style="list-style-type: none"> Resident: 3 spaces 		<p>The modified number and allocation of car parking spaces in the development comply with the minimum and maximum car parking rates.</p> <p>The proposal has deleted all motorcycle spaces in the approved development. This is not supported, as the development requires a minimum of two motorcycle spaces. Council's Traffic and Transport department have recommended that two motorcycle spaces be provided and advise that these spaces can be accommodated in the basement adjacent to the lift. A condition of consent is recommended to require these two motorcycle spaces.</p> <p>The proposal provides for four bicycle spaces, which meets the minimum rate of bicycle parking.</p>
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
16. Public Domain	Yes	Satisfactory.

Table 3: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.3 Setbacks		
<p>3.3.1 - Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	<p>No change to the street setbacks of the development is proposed, other than blades and fins that jut out slightly further than the approved development, while being contained within the confines/boundaries of the site. These are decorative features that are part of the revised building articulation of the development and will not accentuate the perceived building bulk and scale of the development as viewed from Military Road and Blake Street.</p>
<p>3.3.2 - Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 1.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	Yes	<p>Side and rear setbacks of the approved development, as proposed to be modified, remain unchanged.</p> <p>Deep soil planting is retained along the eastern side setback area of the approved development, as proposed to be modified.</p>

Development Control	Compliance	Comment
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages Removal of original architectural features not supported. 	Yes	<p>The original architects have been reengaged for this modification application and have effectively refined and enhanced the architectural expression and building articulation of the approved development, particularly along its ground floor façade facing Blake Street.</p> <p>The approved development, as proposed to be modified, will remain compatible and complementary to the streetscape character and context of the site.</p>
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise. 	Yes	<p>The proposed front fence along Blake Street has a height of 1.2m and consists of a light-weight material.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	<p>The proposal modifies the pedestrian entry accessed from Blake Street by expanding its opening/width and having it separately defined and demarcated from the vehicular access point, compared with the arrangements of the approved development. In this regard, the modified entry is considered to perform far better against the development controls and objectives under section 3.8.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 152.94m² 50% of the above is to be deep soil: 76.47m² 	Partial compliance (acceptable on merit)	<p>The approved development, as proposed to be modified, comprises a deep soil planting area of 108.81m² and an overall landscaped area of 112.32m².</p> <p>Despite the loss of the green roof over the pedestrian entry and the planters above the ramp to the basement carpark, the proposal does not reduce any genuine landscaped area (i.e. area that is not above a built structure, such as a green roof) and deep soil planting that has been provided within the eastern setback area of the approved development. The provision of deep soil planting area exceeds the minimum amount required by the DCP.</p>

Development Control	Compliance	Comment
3.10 Communal open space		
<ul style="list-style-type: none"> • Minimum dimensions: 6m x 6m • Minimum of 30% of communal area must receive three hours of sunlight • Accessible 	Yes	The approved development, as proposed to be modified, retains the location and dimensions of the communal open space within the eastern side setback area of the development. The increase of building height will negligibly reduce sunlight received to this area at 12 noon and will continue to receive at least three hours of sunlight during mid-winter.
3.11 Private Open Space		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> • Balcony additions to match the character of the building • Should not dominate the façade • No wrap around balconies • Located to maximise solar access and privacy • Balustrades to allow views and casual surveillance of the street & privacy 	Yes	The balconies of the approved development, as proposed to be modified, have been retained in their positions, however, some of their areas have slightly reduced. Notwithstanding, these areas are ample to afford adequate external amenity for the modified units, with each unit now comprising two separate balconies/private open space areas that address one or two street frontages of the site.
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> • Car parking to be integrated into the design of the development • Max 1 x 2 way vehicle access point • Provided from secondary street or lane • Pedestrian safety considered • Basement parking should not contravene deep soil zone controls 	Yes	The vehicular access and entry to the basement carpark remains unchanged. The proposal better defines and delineates the vehicular and pedestrian access points compared with the approved development.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of dwellings to receive at least three hours of sunlight in mid winter. • New development should maintain at least two 	Yes	<ul style="list-style-type: none"> • The solar access diagrams (in the form of 'Views from the Sun') submitted with the application demonstrate that living rooms that adjoin private open space areas of ALL units will receive at least three hours of direct sunlight between 9am and 3pm in mid-winter. • As discussed earlier in this report, the shadow diagrams show that the proposed

Development Control	Compliance	Comment
<p>hours of sunlight to solar collectors on adjoining properties in mid winter.</p> <ul style="list-style-type: none"> Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 		<p>increase of building height of the approved development, as proposed to be modified, results in minor additional overshadowing impact upon neighbouring properties that will not fall on window openings and open space areas of these neighbouring properties during mid-winter.</p>
3.14 Views and view sharing		
	Yes	No view loss impact.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. 	Yes	<p>The window openings across the eastern elevation of the approved development have retained their sill heights and have been divided into a series of openings rather than the expansiveness of window openings across the same elevation of the approved development. Further, units of the development that have an eastern aspect and are served by these east-facing window openings will comprise bedrooms rather than living rooms. Therefore, the approved development, as proposed to be modified, is expected to reduce and improve on visual privacy impacts upon neighbouring properties.</p> <p>Further, the enclosure of the residential foyer/lobby area on each floor level, will further reduce visual and acoustic privacy impacts upon neighbouring properties compared to the approved development that comprises a breezeway/open foyer.</p> <p>The balconies will continue to primarily face either Blake Street and Military Road and the minor changes to their areas are not expected to result in greater privacy impacts than the approved development.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window Max width of dwelling over 15m deep is min 4m 	Yes	<p>The proposal reduces the number of units from six to three and provides for only three-bedroom units. This is in response to current trends in the housing market. The area of each three-bedroom unit of the approved development, as proposed to be modified, exceed the minimum internal</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> All habitable rooms to have a window Provide a range of dwelling types and sizes Min sizes 3 bedroom = 100m² Flexible design Accessible and Adaptable 		area requirements. The reconfigured units have functional and adaptive layouts.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	Floor to ceiling height of all floor levels is at least 2.7m.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> 3 or more bed = 10m³ All to provide bulk storage are in basement or ancillary structure 	Yes	The dedicated bicycle parking spaces for each unit doubles as an external storage space for each unit. This is deemed acceptable given that each unit is provided with sufficient internal storage space, and collectively, exceed the 10m ³ minimum control.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Satisfactory. The proposed unit reconfiguration is such that bedrooms or other areas sensitive do not directly adjoin common vertical circulation spaces and mechanical plant/services rooms of the approved development, as proposed to be modified.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated Building to be orientated to maximise breezes 	Yes	All reconfigured units of the approved development, as proposed to be modified, will be naturally cross ventilated given they will have at least two genuine aspects with operable windows.
3.21 Building services		
	Yes	Satisfactory.

Waverley DCP 2012 – Part D1 Commercial and Retail Development

The proposed use for the retail tenancies has still not been indicated on the architectural plans and will be subject to separate approval for the specific use and fitout of these tenancies. Accordingly, the provisions of Part D1 are not applicable to the approved development, as proposed to be modified. Suitable allowance has been retained for a glazed frontage addressing the Blake Street and Military Road

corner to ensure that future uses will be provide with an activate frontage. The indent of the shopfronts from the site's street boundaries, while reduced, have been retained to allow future uses to potentially open up and provide some indoor/outdoor seating to contribute to a more vibrant neighbourhood centre.

Table 4: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
<i>3.1.12 – Blake Street, Neighbourhood Centre</i>	Yes	Consistent with the desired future character objectives of the Blake Street Neighbourhood Centre.
3.2 Generic controls		
3.2.1 Land uses	Yes	The proposal splits one retail space in to two separate retail tenancies, which will provide for greater retail/business activity within the Blake Street Neighbourhood Centre.
3.2.2 Public domain interface	Yes	Satisfactory.
3.2.3 Built form	Yes	Satisfactory.
3.2.4 Building facade articulation	Yes	Satisfactory.
3.2.6 Building services and site facilities	Yes	Satisfactory.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 6 and 20 September 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified as described in section 1.4 of this report. In short, the deletion of the colonnades improves the streetscape and perceived safety/security aspects of the approved development, as proposed to be modified. The shadow diagrams submitted as part of the request for additional

information confirms that the minor increase of building height results in subtle and non-adverse additional overshadowing impact upon neighbouring properties.

A total of one unique submission was received on behalf of the following properties in Dover Heights:

- Unit 1/155 Military Road
- Unit 3/155 Military Road; and
- Unit 5/155 Military Road.

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

- Increased GFA and FSR of the development; and
- Increase building height of the development.

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

Issue: *Reduction of off-street car parking for retail spaces will exacerbate demand and supply issues for on-street car parking in the area.*

Response: Noted. Waverley DCP 2012 anticipates a nil minimum car parking rate for retail premises. The approved development, as proposed to be modified, retains one retail car parking space and complies with both the nil and maximum car parking spaces specified by Waverley DCP 2012. Therefore, the loss of one retail car parking space is considered reasonable and is not expected to detrimentally impact upon on-street car parking supply and demand on the surrounding road network.

Issue: *Clarification required for the increase of gross floor area and the exact details of the proposed modifications.*

Response: Agreed. An additional information request was made on 26 October 2021 to seek a separate gross floor area diagram delineating the extent and location of additional GFA sought by the proposal. This diagram was submitted and clarifies this aspect of the proposal.

The architectural plans provide ample information to juxtapose the proposal and the approved development by outlining the building envelope of the approved development.

Issue: *The proposal should not reduce deep soil landscaping.*

Response: Noted. The approved development, as proposed to be modified, retains an adequate quantity of deep soil planting area that exceeds the minimum requirement in Waverley DCP 2012.

Issue: *Council should review all previous modifications to this development consent and appreciate the “bit sized amounts of creep” that has occurred since the DA was originally approved.*

Response: Noted. The applicant is entitled to modify development consents via multiple modification applications. The assessment of this modification application has considered previous modifications to the originally approved development, however, any matter of past modification applications that do not have direct relevance to the subject modification application cannot be revisited and/or reassessed.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer raised no objection to the proposed reconfigured car park basement layout and parking provisions, except for the deletion of all motorcycle parking. A condition of consent is recommended to ensure there are two motorcycle parking spaces.

3.2. Stormwater

Modified stormwater plans (differing from those already approved) were submitted with the modification application, which prompted a referral to Council's Public Stormwater Engineer, who considered these generally satisfactory, subject to amendments and other requirements that can be addressed prior to the issue of a construction certificate. Modified and additional conditions are recommended to this effect.

3.3. Strategic Planning

Council's Strategic Planner advised on the relevant monetary contribution (based on the original form of the modification application) for an in-principle offer from the owner of the property to enter into a separate Planning Agreement for the additional gross floor area sought by this modification application. A condition of consent has been recommended to this effect with the monetary contribution figure updated based on the revised additional gross floor area and calculated by the applicable rate of \$1,940 per m²).

3.4. Sustainable Waste

A referral comment was not forthcoming from Council's Sustainable Waste department. The bin provision condition of consent is proposed to be adjusted to reflect changes to unit numbers and retail space of the approved development, as proposed to be modified.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 16 November 2021 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the previously proposed colonnades and arches deleted or embedded into the glazing line being deleted, and conditions in Appendix A.

DBU members: *A Rossi, B McNamara, J Zancanaro and J Elijah*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 23 November 2021	Date: 26 November 2021

Reason for WLPP referral:

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 – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

- (a) The development must be in accordance with (plan table updated by satisfaction of deferred commencement matters letter dated 14/08/2018):

Plan Number	Prepared By	Revision No.	Dated	Date received by Council
DA10_E	MHNDUnion	E	10.02.2016	23 March 2017
DA11_E		E	09.06.2016	23 March 2017
DA12_E				
DA13_E				
DA14_E				
DA20_E				
DA21_E				
DA22_E		E	09.06.2016	23 March 2017
DA23_E				
DA24_E				
DA34_C				
DA35_C				
DA37_A				14 March 2016
C16192-E10	CAM Consulting	A	22/03/17	23 March 2017

- (i) As amended by architectural plans prepared by Quattro Architecture including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-A-099 Rev.A	Basement Plan	02/12/2019	14/08/2020
DA-A-101 Rev.A	Level 1 Plan	02/12/2019	14/08/2020
DA-A-102 Rev.A	Level 2 Plan	02/12/2019	14/08/2020
DA-A-103 Rev.A	Roof Plan	02/12/2019	14/08/2020
DA-A-200 Rev.A	Elevation Sheet 1	02/12/2019	14/08/2020
DA-A-201 Rev.A	Elevation Sheet 2	02/12/2019	14/08/2020
DA-A-250 Rev.A	Sections Sheet 1	02/12/2019	14/08/2020
DA-A-251 Rev.A	Sections Sheet 2	02/12/2019	14/08/2020

(AMENDED DA-316/2015/B)

- (ii) As amended by architectural plans prepared by MHNDUnion project no. 14-081 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA03 - Rev A	Site Plan	11/06/2021	8 July 2021
DA11 - Rev A	Ground Floor Plan	11/06/2021	8 July 2021

(AMENDED DA-316/2015/C)

- (iii) *As amended by architectural plans prepared by MHNDUnion, Project No. 14-081, including the following:*

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 2000 Rev. A	Basement Plan	18/08/2021	27/08/2021
DA 2001 Rev. C	Ground Floor Plan	22/11/2021	22/11/2021
DA 2002 Rev. A	Level 1 Floor Plan	18/08/2021	27/08/2021
DA 2003 Rev. A	Level 2 Floor Plan	18/08/2021	27/08/2021
DA 2004 Rev. A	Roof Plan	18/08/2021	27/08/2021
DA 3000 Rev. C	Elevation North	22/11/2021	22/11/2021
DA 3001 Rev. A	Elevation South	18/08/2021	27/08/2021
DA 3002 Rev. A	Elevation East	18/08/2021	27/08/2021
DA 3003 Rev. B	Elevation West	19/11/2021	19/11/2021
DA 3100 Rev. A	Section A	18/08/2021	27/08/2021
DA 3101 Rev. A	Section B	18/08/2021	27/08/2021
DA 6000 Rev. A	External Finishes	18/08/2021	27/08/2021

(AMENDED BY DA-316/2015/D)

- (b) Landscape Plan No. 5128-01 and 02 (as amended by the architectural plans in condition 1(a)), and documentation prepared by Peter Glass and Associates, issue B, dated 06/10/2015, and received by Council on 22 July 2015;

- (i) *As amended by Landscape Plan No. LPCC 22-55 Sheets 1 and 2 (Revision A), prepared by Conzept Landscape Architects, dated 11 August 2021 and received by Council on 27 August 2021.*

(AMENDED BY DA-316/2015/D)

- (c) Arboricultural Impact Assessment Report, and documentation prepared by Earthscape Horticultural Services, version 5, dated 14th July 2015, and received by Council on 22 July 2015; *and as amended by Tree Condition Report prepared by EZI Grow dated 28 May 2020 and received by council on 8 July 2021.*

(AMENDED DA-316/2015/C)

- (d) BASIX Certificate No. 647429M_02 dated 16 July 2015, and received by Council on 22 July 2015;

- (e) Stormwater Drawing no H-DA-00 and 01 and documentation prepared by itmdesign, rev A, dated 21.07.15, and received by Council on 22 July 2015;

- (f) Draft Strata Plans (SP) sheets 1 of 3 to 3 of 3, issue C, dated 2-9-2016, prepared by Eric Scerri, and received by Council on 1 March 2017;

- (g) The letter of offer dated 2 and 3 December 2015 and draft dated 18 March 2016, and received by Council on 21 March 2016;

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

except where amended by the following conditions of consent.

16. ~~USE OF COMMON PROPERTY~~

~~No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council. In this regard the applicant is to register a restriction as to user that prohibits the separate occupation, use or disposition of the land by way of agreement, instrument or dealing including and agreement, instrument or dealing evidenced by a company's constitution or articles of association. The restriction as to user is to be registered prior to the issue of the Occupation Certificate.~~

(DELETED BY DA-316/2015/D)

17. PLANNING AGREEMENT

The payment of a monetary contribution to Council in the sum of the agreed value (as determined in Deferred Commencement matter 1 and condition 1A **and 1B**) shall be paid prior to the issue of any Occupation Certificate associated with this development approval and to be applied towards a public purpose in accordance with the agreement and Council's Planning Agreement Policy 2014.

(AMENDED BY DA-316/2015/D)

32. CONSTRUCTION ~~VEHICLE AND PEDESTRIAN PLAN OF~~ TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

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 the relevant Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

88. GREEN ROOF

The green roof shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012. The plants shall have a maximum maturity height of 200mm above the roof level.

The green roof is a non-trafficable area and must be irrigated and generally maintainable without requiring frequent access. The irrigation system/process is to be nominated on a landscape plan as part of the Construction Certificate documentation. A balustrade at the perimeter is not, and will not be, permitted to address any safety or other implications from accessing the area for infrequent maintenance purposes.

Direct access to the area (eg a gate or door from the same level, or a fixed stair from the level below) must not be incorporated into the design in order to discourage frequent use.

(DELETED BY DA-316/2015/D)

90. ~~STORMWATER MANAGEMENT~~ WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

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

- (a) *A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, pump-out facility, the detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.*
- (b) *A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.*

(AMENDED BY DA-316/2015/D)

101. CAR PARKING

- (a) ~~Ownership of car park lot spaces within the basement shall be limited to parties owning a residential unit within the buildings on-site.~~
- (b) ~~A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.~~

~~(c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.~~

A total of 7 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 5 residential parking spaces.***
- (b) 1 residential visitor parking as an accessible space.***
- (c) 1 retail parking space.***

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

(AMENDED BY DA-316/2015/D)

103. ALLOCATION OF STREET NUMBER

The redevelopment of the property has lead to the following allocation of premises numbers:
No. 157 Military Rd for the building (primary premises);

- Shop 1 ***and Shop 2***/157 Military Rd for the commercial lots (sub premises) within the building correlating with ~~Nos. Pt Lot 1~~ ***two*** ground floor ***retail tenancies*** on the floor plans for the building,
- Nos. ~~2-7~~ ***1-3***/157 Military Rd for the residential lots (sub premises) within the building correlating with ~~PT Lots 2-7 (Levels 1 and 2)~~ ***the units*** on the floor plans for the building.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts Military Rd. The Blake Street entry shall display both the premises number and location being 157 Military Rd. The primary and sub premises numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application to be lodged with Council.

(AMENDED BY DA-316/2015/D)

B. New Conditions

1B. PLANNING AGREEMENT FOR DA-316/2015/D

- (a) The owner/applicant is to:***
 - (i) Enter into a Planning Agreement in accordance with the offer and Waverley's Planning Agreement Policy 2014 as soon as possible following the modified consent, and in any event prior to the issue of any Construction Certificate for the***

development that relates to works contained in development application DA-316/2015/D; and

- (ii) Pay a monetary contribution amount of \$192,855.40 prior to the issue of any Construction Certificate that relates to works contained in development application DA-316/2015/D;*
 - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.*
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:*
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development within 14 days of the Planning Agreement being executed by all parties.*
 - (ii) Upon entering into the Planning Agreement, the owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution which is:*
 - i. In a form acceptable to Council and from an institution acceptable to Council;*
 - ii. Irrevocable;*
 - iii. Unconditional;*
 - iv. With no end date.*
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Construction Certificate that relates to works contained in development application DA-316/2015/D and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.*
- (d) The Planning Agreement will provide confirmation that the prior Planning Agreements pursuant to DA-316/2015 and DA-316/2015/B pursuant to which the development contributions are \$143,605.68 and \$54,320, will not be impacted by the parties entering into this Planning Agreement.*

(ADDED BY DA-316/2015/D)

1C. GENERAL MODIFICATION

The application is approved subject to the following plan amendments;

- (a) The basement car park of the approved development, as proposed to be modified, shall accommodate two motorcycle car parking spaces in accordance with section 8.2.5 of Part B8 of Waverley Development Control Plan 2012.*

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

(ADDED BY DA-316/2015/D)

40A. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be

submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer.

(ADDED BY DA-316/2015/D)

90A. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD SYSTEM

A "Restriction on the Use of Land" and "Positive Covenant" shall be created for the on-site stormwater detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

(ADDED BY DA-316/2015/D)

90B. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

(ADDED BY DA-316/2015/D)

ADVISORY NOTE – STORMWATER

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.*
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.*
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.*
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)*

(ADDED BY DA-316/2015/D)

101A. BICYCLE PARKING

A minimum of 3 bicycle parking spaces are to be provided within the development and allocated as residential bicycle spaces.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

(ADDED BY DA-316/2015/D)

101B. MOTORCYCLE PARKING

A minimum of 2 motorcycle parking spaces are to be provided within the development and allocated as residential motorcycle spaces.

(ADDED BY DA-316/2015/D)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

- (a) The development must be in accordance with (plan table updated by satisfaction of deferred commencement matters letter dated 14/08/2018):

Plan Number	Prepared By	Revision No.	Dated	Date received by Council
DA10_E	MHNDUnion	E	10.02.2016	23 March 2017
DA11_E		E	09.06.2016	23 March 2017
DA12_E				
DA13_E				
DA14_E				
DA20_E				
DA21_E				
DA22_E		E	09.06.2016	23 March 2017
DA23_E				
DA24_E				
DA34_C				
DA35_C				
DA37_A				14 March 2016
C16192-E10	CAM Consulting	A	22/03/17	24 March 2017

- (i) As amended by architectural plans prepared by Quattro Architecture including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-A-099 Rev.A	Basement Plan	02/12/2019	14/08/2020
DA-A-101 Rev.A	Level 1 Plan	02/12/2019	14/08/2020
DA-A-102 Rev.A	Level 2 Plan	02/12/2019	14/08/2020
DA-A-103 Rev.A	Roof Plan	02/12/2019	14/08/2020
DA-A-200 Rev.A	Elevation Sheet 1	02/12/2019	14/08/2020
DA-A-201 Rev.A	Elevation Sheet 2	02/12/2019	14/08/2020
DA-A-250 Rev.A	Sections Sheet 1	02/12/2019	14/08/2020
DA-A-251 Rev.A	Sections Sheet 2	02/12/2019	14/08/2020

(AMENDED DA-316/2015/B)

- (ii) As amended by architectural plans prepared by MHNDUnion project no. 14-081 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA03 - Rev A	Site Plan	11/06/2021	8 July 2021
DA11 - Rev A	Ground Floor Plan	11/06/2021	8 July 2021

(AMENDED DA-316/2015/C)

- (iii) As amended by architectural plans prepared by MHNDUnion, Project No. 14-081, including the following

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 2000 Rev. A	Basement Plan	18/08/2021	27/08/2021
DA 2001 Rev. C	Ground Floor Plan	22/11/2021	22/11/2021
DA 2002 Rev. A	Level 1 Floor Plan	18/08/2021	27/08/2021
DA 2003 Rev. A	Level 2 Floor Plan	18/08/2021	27/08/2021
DA 2004 Rev. A	Roof Plan	18/08/2021	27/08/2021
DA 3000 Rev. C	Elevation North	22/11/2021	22/11/2021
DA 3001 Rev. A	Elevation South	18/08/2021	27/08/2021
DA 3002 Rev. A	Elevation East	18/08/2021	27/08/2021
DA 3003 Rev. B	Elevation West	19/11/2021	19/11/2021
DA 3100 Rev. A	Section A	18/08/2021	27/08/2021
DA 3101 Rev. A	Section B	18/08/2021	27/08/2021
DA 6000 Rev. A	External Finishes	18/08/2021	27/08/2021

(AMENDED BY DA-316/2015/D)

- (b) Landscape Plan No. 5128-01 and 02 (as amended by the architectural plans in condition 1(a)), and documentation prepared by Peter Glass and Associates, issue B, dated 06/10/2015, and received by Council on 22 July 2015;
- (i) As amended by Landscape Plan No. LPCC 22-55 Sheets 1 and 2 (Revision A), prepared by Concept Landscape Architects, dated 11 August 2021 and received by Council on 27 August 2021.

(AMENDED BY DA-316/2015/D)

- (c) Arboricultural Impact Assessment Report, and documentation prepared by Earthscape Horticultural Services, version 5, dated 14th July 2015, and received by Council on 22 July 2015; *and as amended by Tree Condition Report prepared by EZI Grow dated 28 May 2020 and received by council on 8 July 2021.*

(AMENDED DA-316/2015/C)

- (d) BASIX Certificate No. 647429M_02 dated 16 July 2015, and received by Council on 22 July 2015;
- (e) Stormwater Drawing no H-DA-00 and 01 and documentation prepared by itmdesign, rev A, dated 21.07.15, and received by Council on 22 July 2015;
- (f) Draft Strata Plans (SP) sheets 1 of 3 to 3 of 3, issue C, dated 2-9-2016, prepared by Eric Scerri, and received by Council on 1 March 2017;
- (g) The letter of offer dated 2 and 3 December 2015 and draft dated 18 March 2016, and received by Council on 21 March 2016;
- (h) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

except where amended by the following conditions of consent.

1A. PLANNING AGREEMENT

- a) The owner/ applicant to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for *any works above ground level*, for the development that relates to works contained in development application DA-316/2015/B; and
 - (ii) Pay a monetary contribution amount of **\$54,320** prior to the issue of any Occupation certificate for the Development
 - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for *any works above ground level*, for the Development which is:
 - i. In a form acceptable to Council and from an institution acceptable to Council
 - ii. Irrevocable
 - iii. Unconditional
 - iv. With no end date
 - c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(MODIFIED DA-316/2015/C)

1B. PLANNING AGREEMENT FOR DA-316/2015/D

- (a) The owner/applicant is to:
 - (i) Enter into a Planning Agreement in accordance with the offer and Waverley's Planning Agreement Policy 2014 as soon as possible following the modified consent, and in any event prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-316/2015/D; and
 - (ii) Pay a monetary contribution amount of \$192,855.40 prior to the issue of any Construction Certificate that relates to works contained in development application DA-316/2015/D;
 - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (iv) The Planning Agreement shall be registered upon the title to the land the subject of the Development within 14 days of the Planning Agreement being executed by all parties.
- (v) Upon entering into the Planning Agreement, the owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution which is:
 - i. In a form acceptable to Council and from an institution acceptable to Council;
 - ii. Irrevocable;
 - iii. Unconditional;
 - iv. With no end date.
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Construction Certificate that relates to works contained in development application DA-316/2015/D and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.
- (d) The Planning Agreement will provide confirmation that the prior Planning Agreements pursuant to DA-316/2015 and DA-316/2015/B pursuant to which the development contributions are \$143,605.68 and \$54,320, will not be impacted by the parties entering into this Planning Agreement.

(ADDED BY DA-316/2015/D)

1C. GENERAL MODIFICATION

The application is approved subject to the following plan amendments;

- (a) The basement car park of the approved development, as proposed to be modified, shall accommodate two motorcycle car parking spaces in accordance with section 8.2.5 of Part B8 of Waverley Development Control Plan 2012.

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

(ADDED BY DA-316/2015/D)

2. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

3. ARCHITECT TO SUPERVISE DESIGN

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a **qualified designer** in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

4. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

5. NOISE - MECHANICAL PLANT

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

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

6. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

7. REFRIGERATION UNITS & MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

8. INSTALLATION OF AIR CONDITIONING

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not be located on the roof of the building.

- (e) Not reduce the structural integrity of the building.
- (f) Not reduce the area of usable balcony area, communal or private open space.
- (g) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (h) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

9. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

10. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

Notes: If this is imposed, Council will take into account:

1. Times identified by the community when they are less sensitive to noise
2. If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

11. COMPOSTING

The development shall accommodate the provision of a composting service for residents and the scheme shall be under the responsibility of the Body Corporate and provided prior to issuing of the Occupation Certificate.

12. MAINTENANCE OF WATER TREATMENT DEVICES

All waste water and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act, 1997.

13. SEPERATE APPLICATIONS FOR NON-RESIDENTIAL USE

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises.

In this regard, compliance with the BCA in respect to the provision of sanitary facilities shall be provided for each retail tenancy.

14. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

15. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

16. *(DELETED BY DA-316/2015/D)*

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

17. PLANNING AGREEMENT

The payment of a monetary contribution to Council in the sum of the agreed value (as determined in Deferred Commencement matter 1 and condition 1A and 1B) shall be paid prior to the issue of any Occupation Certificate associated with this development approval and to be applied towards a public purpose in accordance with the agreement and Council's Planning Agreement Policy 2014.

(AMENDED BY DA-316/2015/B & DA-316/2015/D)

18. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:
www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

19. STREET TREE PLANTING AND PRESERVATION BOND

The trees to be planted must be Tuckeroos (*Cupaniopsis anacardioides*). The trees are to be 100 litre in pot size, single trunked to a minimum height of 1 metre and grown to Natspec specifications. Trees are to be planted by a qualified horticulturist/arborist with a minimum qualification of AQF Level 3.

A contract of supply for the tree is submitted prior to the issue of the construction certificate.

Council's Tree Officer is notified 48 hours prior to the installation of the trees to arrange inspection.

A bond of \$ **500** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the Tuckeroos trees at the **Blake Street side** of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

20. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ **10,400.00** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

21. LONG SERVICE LEVY

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

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and

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

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

23. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

24. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

25. WAVERLEY DIGITAL MODEL

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

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

26. HOARDING REQUIRED

If required, a standard A-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

27. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

28. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

29. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

30. WASTE AND RECYCLING STORAGE AND COLLECTION

The following matters are to be shown on the Construction Certificate drawings and submitted to the satisfaction of Council's Sustainable Waverley staff prior to the issue of a Construction Certificate:

- (a) The proposal must have a bin storage point for a minimum;
 - **Residential**
 - 2 x 240L Mobile Garbage Bin (MGB) for general waste,
 - 1 x 240L MGB for recyclables,
 - 1 x 240L MGB for paper and cardboard, and
 - 1 x 240L MGB for garden organics.
 - Additional space is to be made available for an extra 1 x 240L MGBs general waste, 1 x 240L MGBs for recyclables and 1 x 240L MGBs paper/cardboard.
 - **Commercial**
 - 2 x 240L MGBs for general waste,
 - 2 x 240L MGBs for comingled recyclables , and
 - Space will need to be available to accommodate the additional waste and recycling needs of commercial premises.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (d) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (e) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (f) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.

- (g) Separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap. The storage of liquid wastes and oils containers on public land and kerbside is not permitted at any time.
- (h) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (i) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (j) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (k) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service

31. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

32. 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 the relevant 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

(AMENDED BY DA-316/2015/D)

33. FOOTPATH RECONSTRUCTION WORKS

The footpaths on the Military Road and Blake Street frontages are scheduled to be upgraded by Council under the Local Village Improvement Program. A monetary contribution for the upgrading works which includes washed aggregate concrete footpath and landscaping, shall be paid to Council. In this regard, prior to the release of the Construction Certificate, the amount of **\$9750** (inc GST) shall be paid to Council.

34. ENGINEERING DETAILS

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

35. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to Council prior to the issue of a Construction Certificate.

36. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

37. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

38. BASIX

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

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

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

39. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

40. LANDSCAPED SLABS

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

40A. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer.

(ADDED BY DA-316/2015/D)

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

41. PRIOR TO SITE WORKS

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

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

42. HOME BUILDING ACT

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

43. 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.

44. 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.

45. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

46. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

47. TOILET FACILITIES

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

48. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

49. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **151-155 Military Rd and 53 Blake Street, Dover Heights** and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

50. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover NSW (catalogue WC03561)

- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

51. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

52. ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

53. PROHIBITION OF ASBESTOS RE-USE

No asbestos products are to be reused on site.

54. ASBESTOS REMOVAL SIGNAGE

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

55. SKIPS AND BINS

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

56. NOTIFICATION OF ASBESTOS REMOVAL

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

57. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must ensure that the waste generated during the demolition phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (a) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or

(iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

58. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

59. STOCKPILES

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

60. LOCATION OF BUILDING OPERATIONS

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

61. ALL BUILDING MATERIALS STORED ON SITE

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

62. CONSTRUCTION HOURS

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

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

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

63. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

64. BUILDING CODE OF AUSTRALIA

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

65. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER COMMERCIAL)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3, 4 and 6 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and

- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA, where relevant:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

66. CERTIFICATE OF SURVEY - LEVELS

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

67. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

68. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

69. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and

- (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

70. CONTROL OF LEGIONNAIRES DISEASE

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

71. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed **works** (except for the awning over the footpath) including the footings, basement and roof eaves, to encroach beyond the boundaries of the subject property.

72. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

73. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

74. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

75. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

76. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

77. SERVICE PIPES

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

78. TREE REMOVAL AND PRESERVATION

- (a) Trees to be removed as per Arboricultural Impact Assessment Report prepared by Andrew Morton Earthscape Horticultural Services Date: July 2015 – *and as amended by Tree Condition Report prepared by Stuart Sutton EZI Grow. Date: 28 May 2021*

Species	Location	Action
Corymbia citriodora (Lemon-scented Gum)	Rear yard	<i>Remove as per Tree Condition Report</i>
Persea americana (Avocado Pear)	Rear yard	<i>Remove as per Tree Condition Report</i>
Sapium sebiferum (Chinese Tallow tree)	Rear yard	<i>Remove as per Tree Condition Report</i>
Eucalyptus cinerea (Argyle Apple)	Rear yard	<i>Remove as per Tree Condition Report</i>

- (b) *Prior to the issue of the Construction Certificate for any works above ground level, a detailed landscape plan is to be submitted to Council's Tree Management officer for approval showing four replacement trees. The four replacement trees must be a local native of 45 litre pot size and grow to a minimum height of five metres at maturity.*

For trees not approved for removal under this application, a tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

(MODIFIED DA-316/2015/C)

79. STREET TREES

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

80. TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;

- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

81. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **30mm above** the existing concrete footpath.

82. MILITARY ROAD FINISHED PAVING LEVEL

The finished level at the property boundary on Military Road shall match the existing concrete footpath.

83. BLAKE STREET FINISHED PAVING LEVEL

The finished level at the property boundary on Blake Street is to be **30mm above** the existing concrete footpath.

84. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **basement 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.

85. VEHICLE ACCESS

All vehicles entering and exiting the basement garage shall do so in a forward direction at all times.

86. DRIVEWAY LAYBACK

The overall length of the layback at the proposed driveway is not to exceed 3.9m

87. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

88. *(DELETED BY DA-316/2015/D)*

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

89. RELOCATION OF AUSTRALIA POST BOX

Prior to the release of the Occupation Certificate the Australia Post letter collection point shall be relocated to the satisfaction of Council and in accordance with Australia Post requirements. All costs associated with the relocation of the postal facility shall be at the applicant's expense.

90. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, pump-out facility, the detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

(AMENDED BY DA-316/2015/D)

90A. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD SYSTEM

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for the on-site stormwater detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

(ADDED BY DA-316/2015/D)

90B. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

(ADDED BY DA-316/2015/D)

91. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

92. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

93. NOISE ATTENUATION CERTIFICATE

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with 'Noise Attenuation in Residential Flat Buildings' condition.
- (b) Lodge with Council for public record, the noise attenuation star rating results.

94. NOISE – PLANT AND EQUIPMENT

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

95. OCCUPATION CERTIFICATE

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

96. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

97. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and car parks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

98. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

99. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

100. PARKING PERMITS

In accordance with Council's Policy, Residents Preferential Parking permits will not be issued for this development when it is completed.

101. CAR PARKING

A total of 7 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 5 residential parking spaces.
- (b) 1 residential visitor parking as an accessible space.
- (c) 1 retail parking space.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

(AMENDED BY DA-316/2015/D)

101A. BICYCLE PARKING

A minimum of 3 bicycle parking spaces are to be provided within the development and allocated as residential bicycle spaces.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

(ADDED BY DA-316/2015/D)

101B. MOTORCYCLE PARKING

A minimum of 2 motorcycle parking spaces are to be provided within the development and allocated as residential motorcycle spaces.

(ADDED BY DA-316/2015/D)

102. DISPLAY OF WASTE MANAGEMENT PLAN

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

103. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers: No. 157 Military Rd for the building (primary premises);

- Shop 1 and Shop 2/157 Military Rd for the commercial lots (sub premises) within the building correlating with two ground floor retail tenancies on the floor plans for the building,
- Nos. 1-3/157 Military Rd for the residential lots (sub premises) within the building correlating with the units on the floor plans for the building.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts Military Rd. The Blake Street entry shall display both the premises number and location being 157 Military Rd. The primary and sub premises numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application to be lodged with Council.

(AMENDED BY DA-316/2015/D)

ADVICE TO APPLICANT

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

SYDNEY WATER REQUIREMENTS

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

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

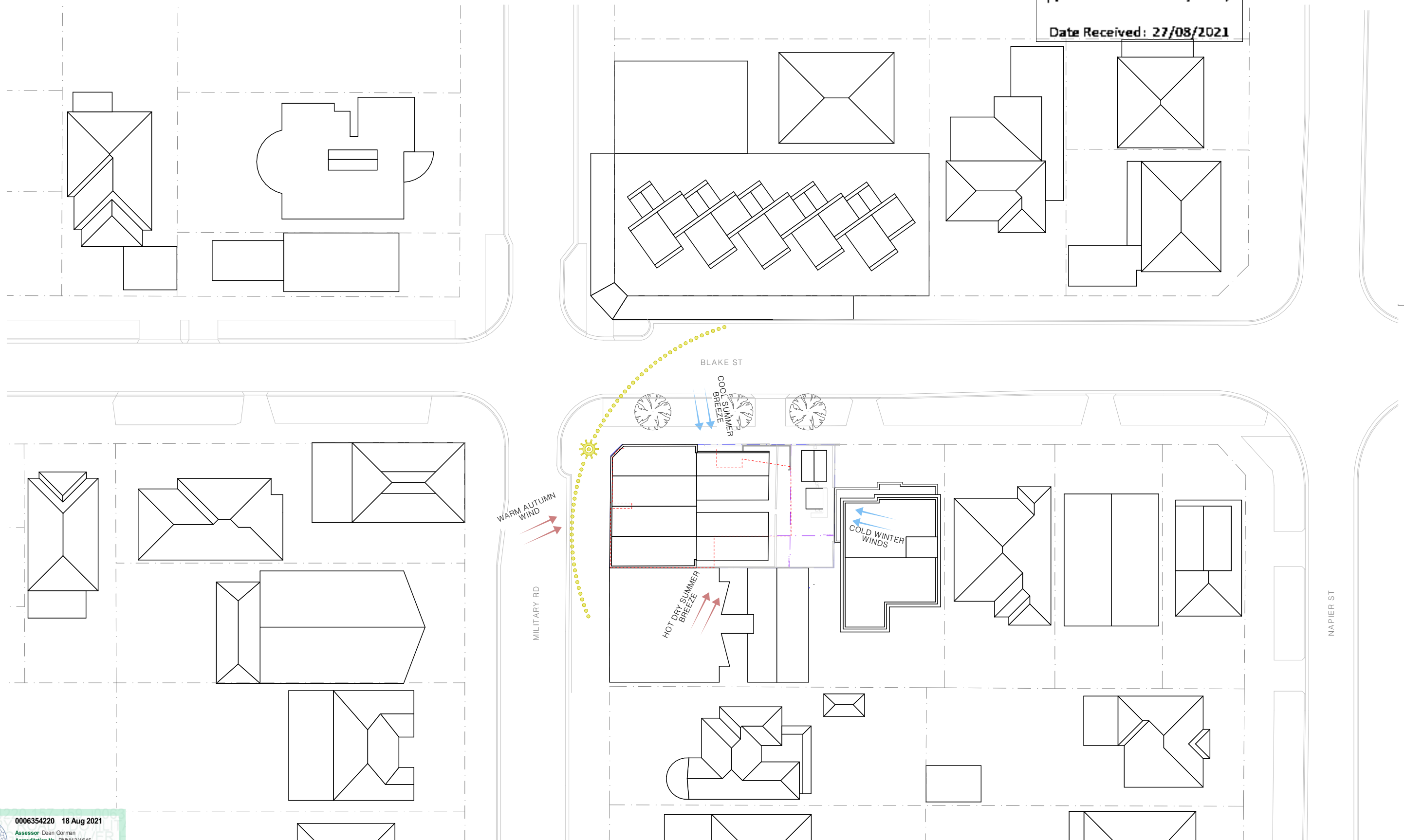
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore,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


ADVISORY NOTE – STORMWATER

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

(ADDED BY DA-316/2015/D)

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0006354220 **18 Aug 2021**

Assessor Dean Gorman
Accreditation No. DMN/13/1645

Address
 157-159 Military Road, Dover
 Heights, NSW, 2030



hstar.com.au

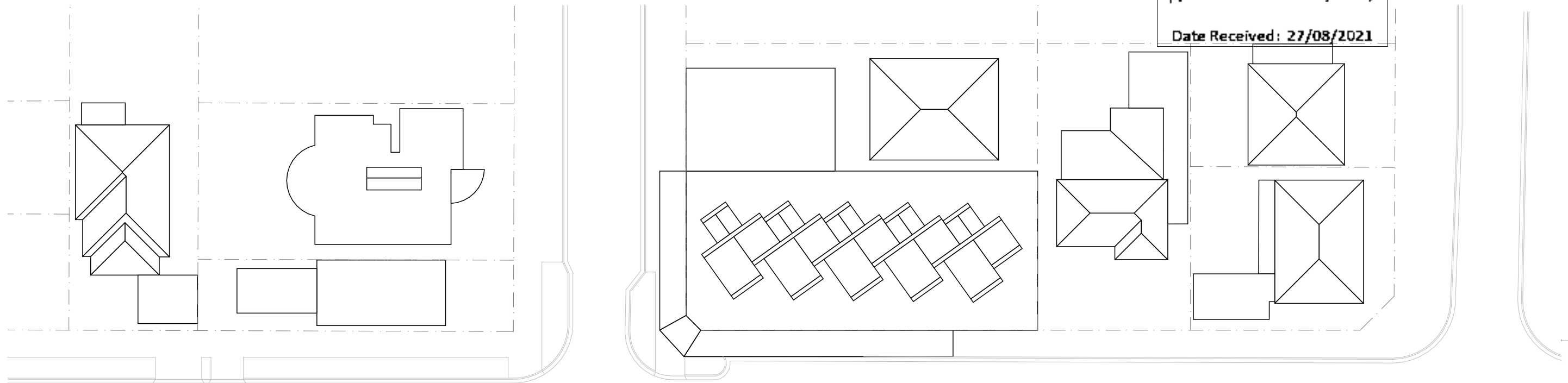
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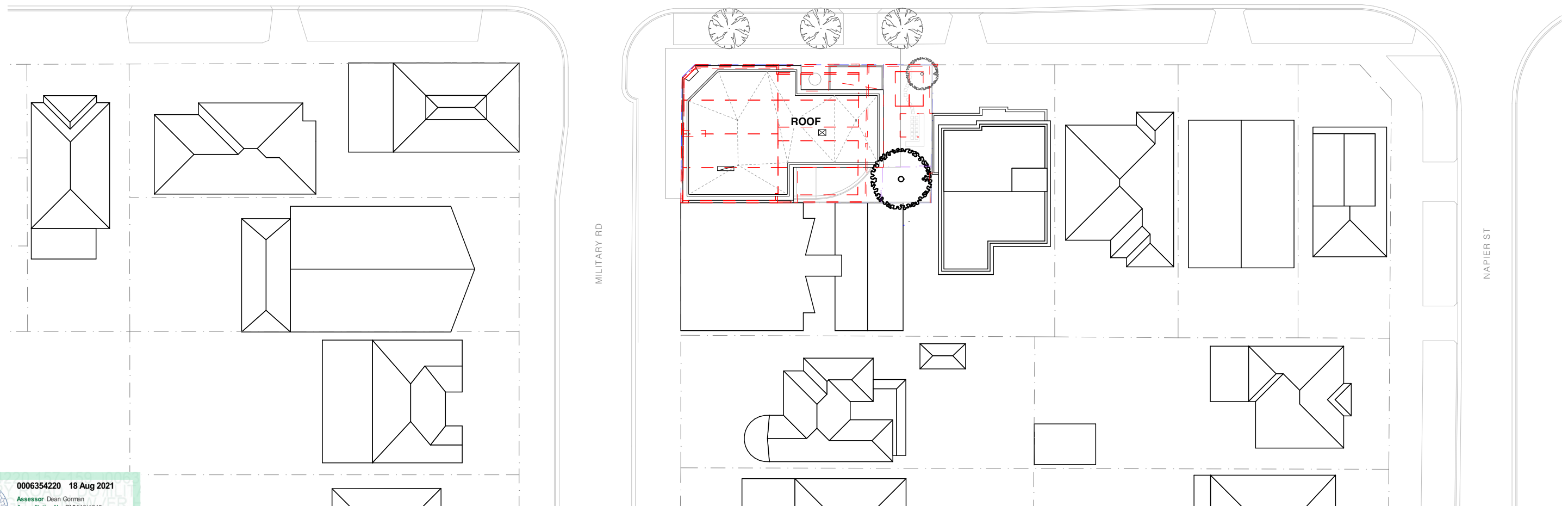
NATIONWIDE HOUSE
Real Estate


www.nathans.gov.au

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BLAKE ST







0006354220 **18 Aug 2021**

Assessor Dean Gorman
Accreditation No. DMN/13/1645

Address
 157-159 Military Road, Dover
 Heights, NSW, 2030



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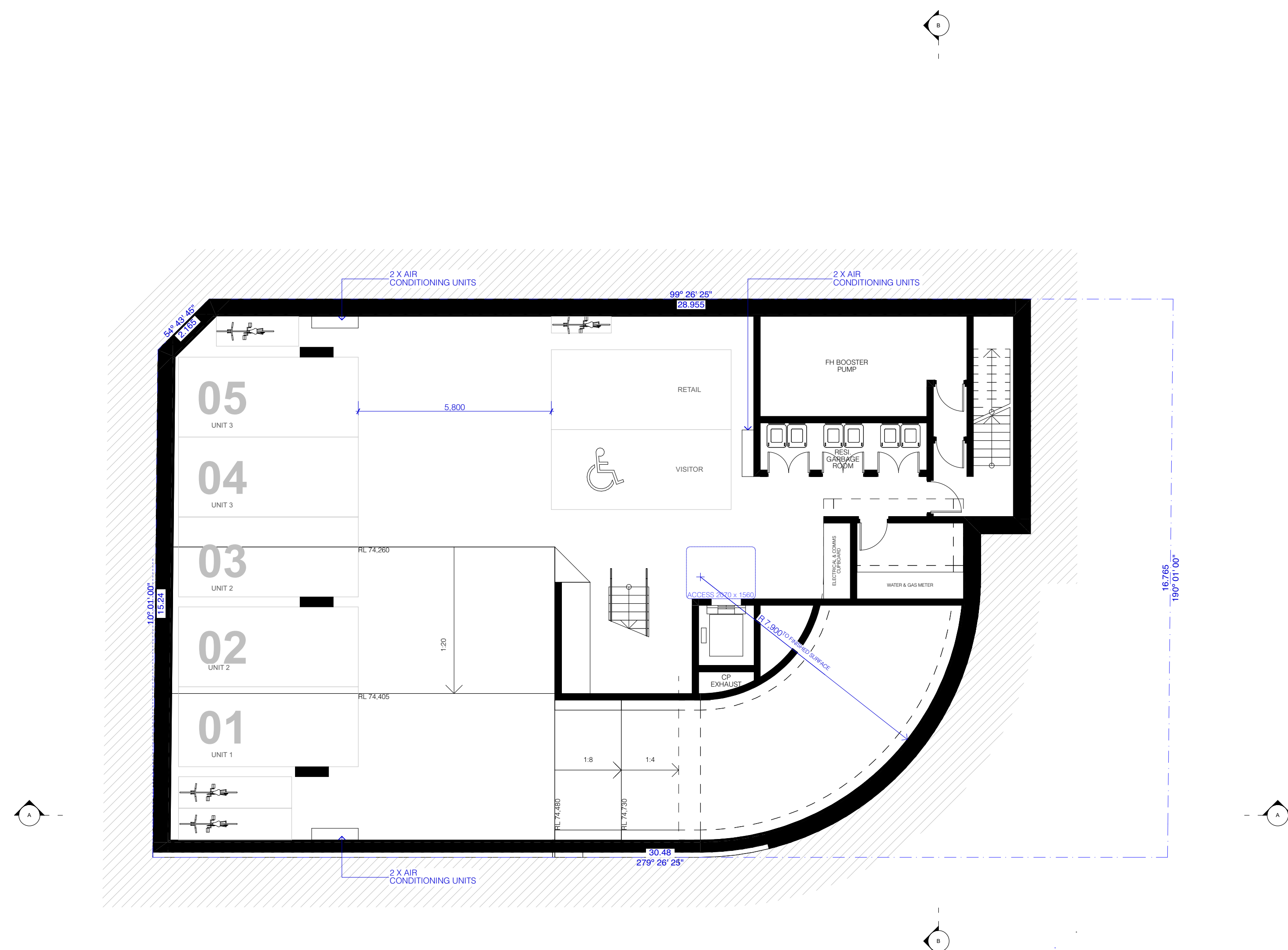
Average star rating

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Real Estate

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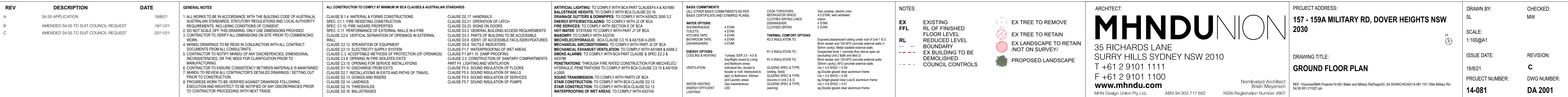
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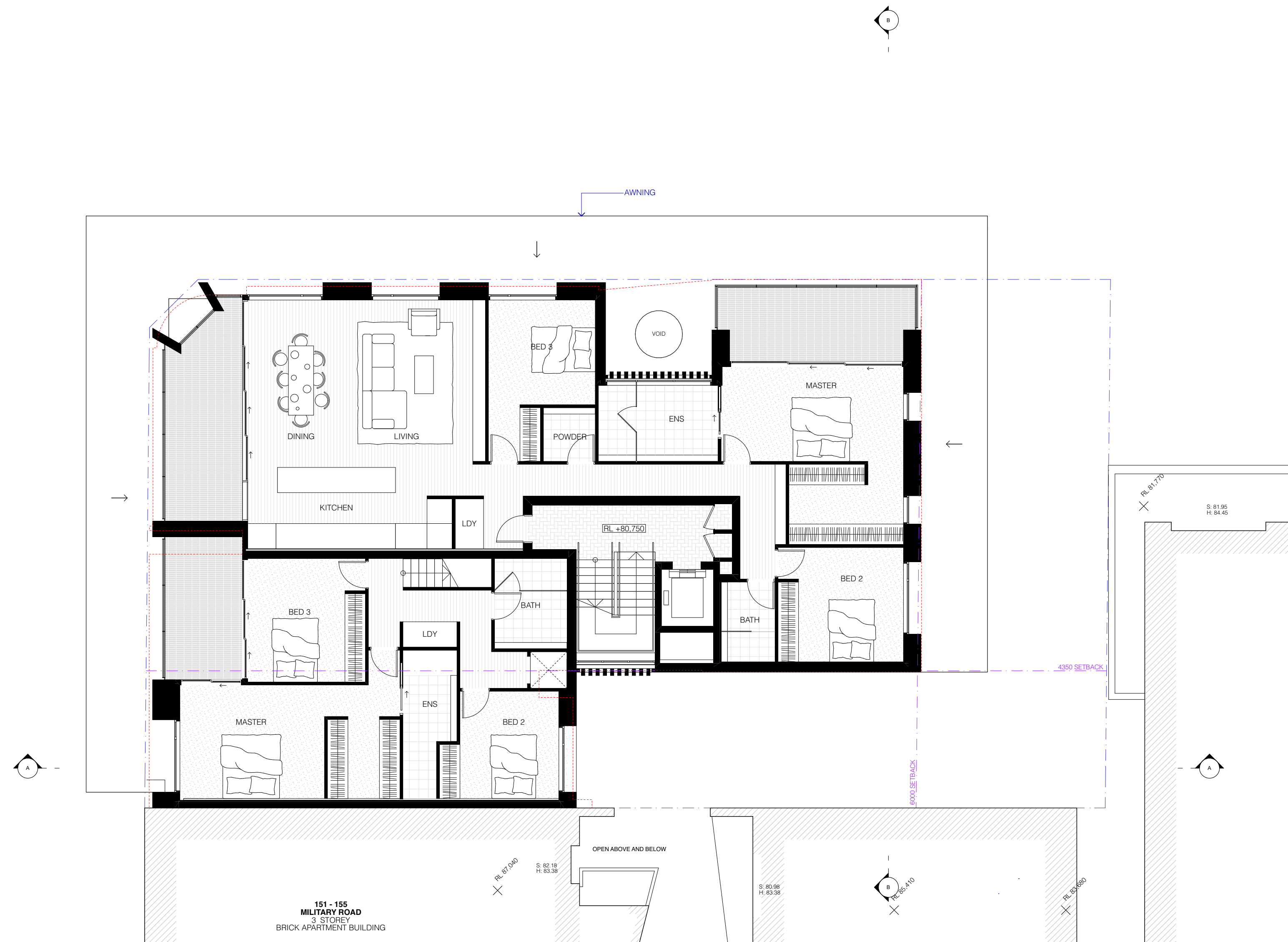


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RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 22/11/2021







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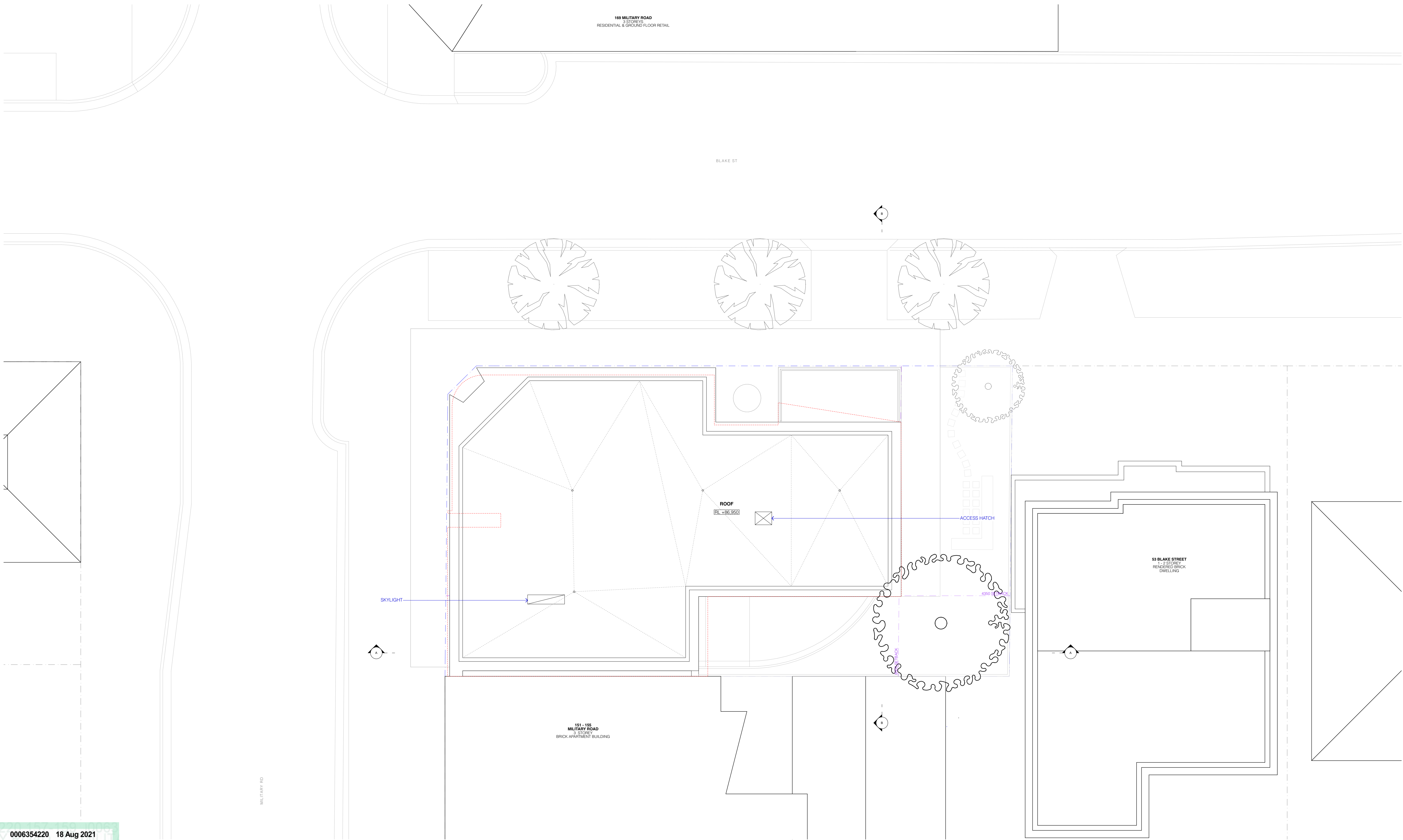
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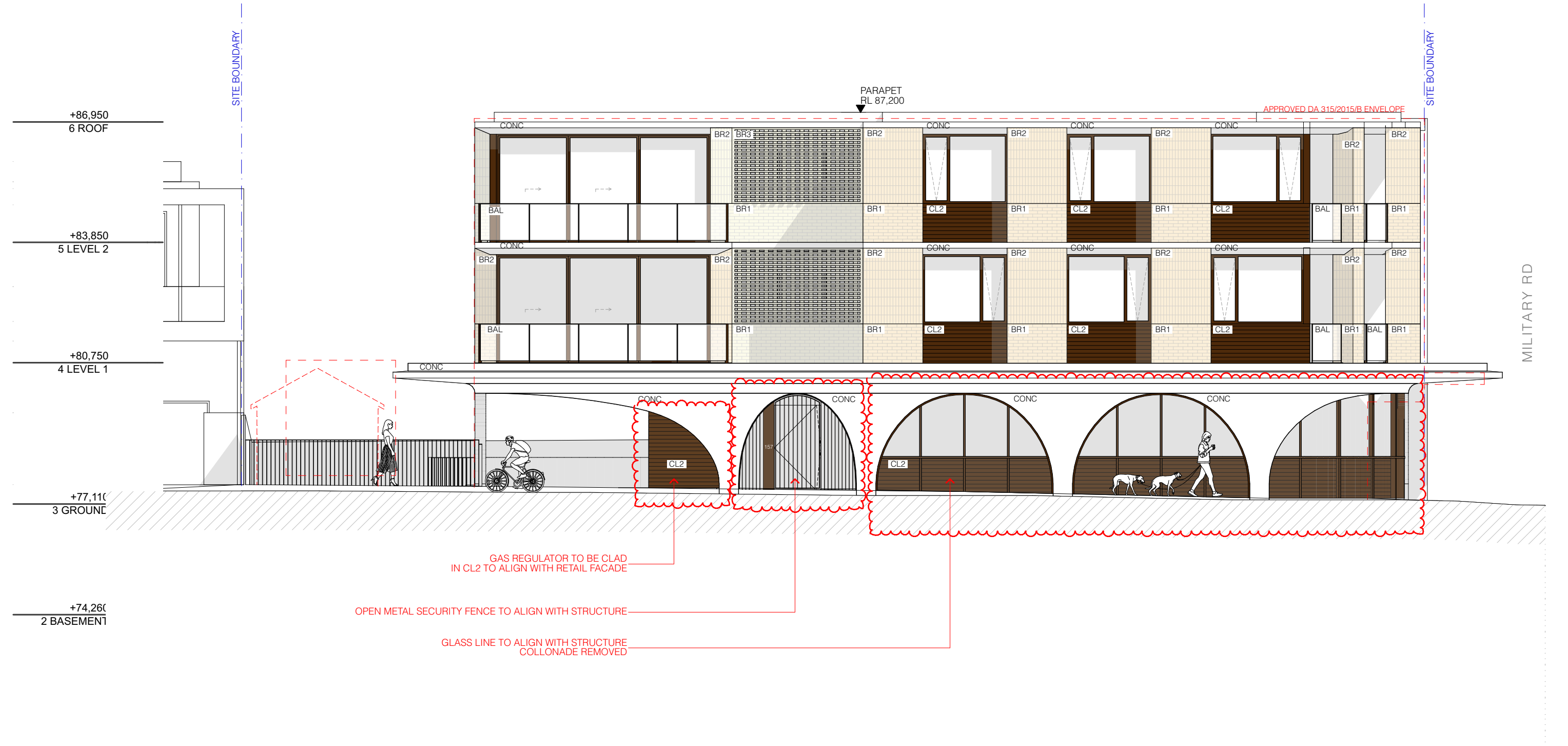


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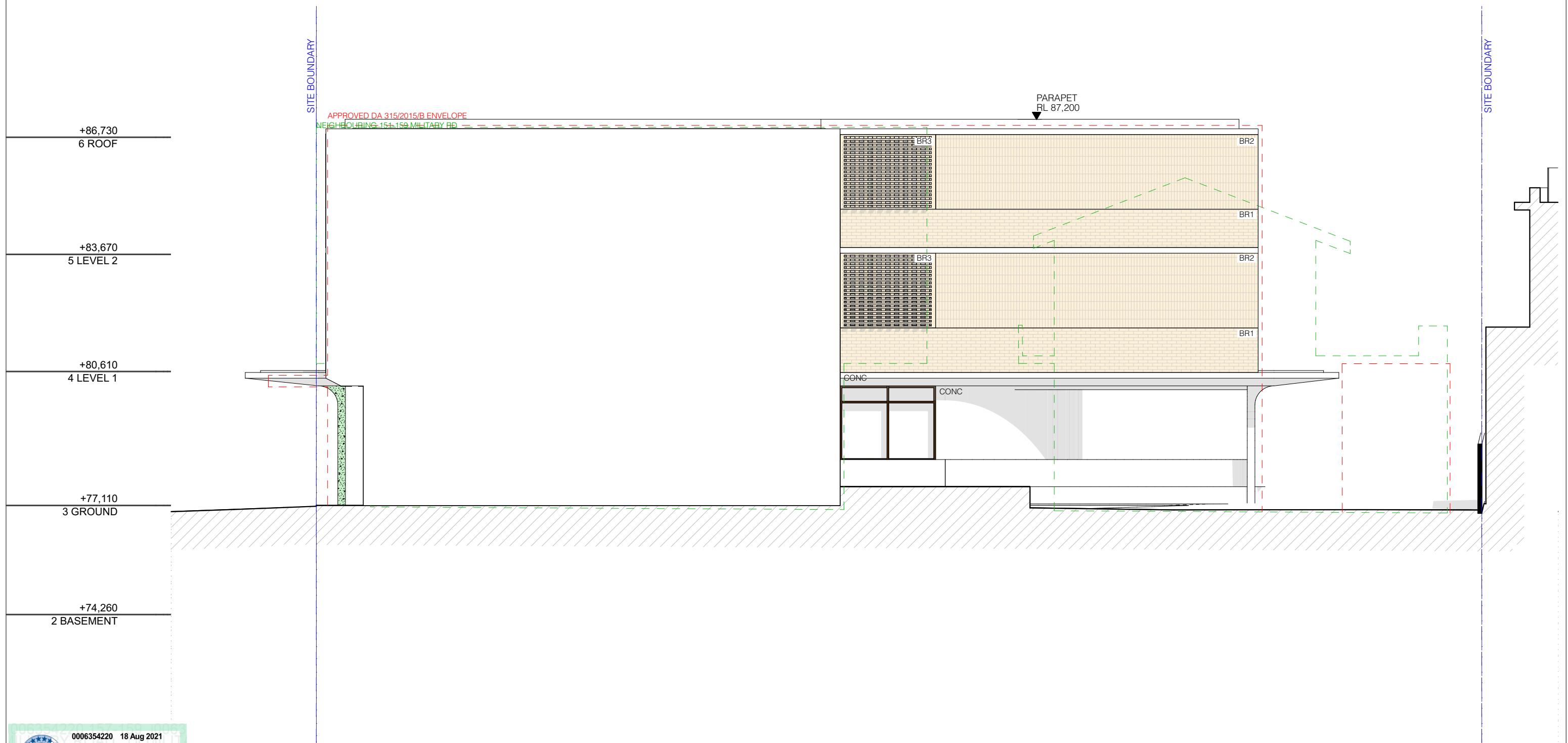
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AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 22/11/2021



REV	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1686 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.7 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA NOT WATER SYSTEMS TO COMPLY WITH PART 4.7 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 2.6 OF BCA MECHANICAL AIR CONDITIONING: TO COMPLY WITH AS1555 & AS1556 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & SPEC E2.2 & AS1556 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1555 & 2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS)	WATER OPTIONS SHOWERHEADS: 4 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR DISHWASHERS: 4 STAR ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, SER 3.5 - 4.0 & Day/Night zoned to Living and Bedroom areas. Individual fan, ducted to outside or roof, connected to light in Bathroom, Kitchen and Laundry areas. Gas instantaneous Gas cooktop, electric oven	REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINES: Indoor DISHWASHER: 4 STAR CLOTHES DRYER: 4 STAR THERMAL COMFORT OPTIONS Exposed plasterboard ceiling under roof of Unit 1 & 2: Brick veneer and 120 AFS concrete external walls (10mm cavity): Metal clad external walls Suspended level 1 concrete floor above open air parking Unit 2: Brick veneer and 120 AFS concrete external walls (10mm cavity) AFS concrete external walls (10mm cavity) AFS concrete external walls (10mm cavity) Double glazed clear aluminium frame (Low-e & SHGC < 0.55) eg Double glazed clear Low-E aluminium frame (Low-e & SHGC < 0.55) eg Double glazed clear Low-E aluminium frame (Low-e & SHGC < 0.55) eg Double glazed clear aluminium frame (Low-e & SHGC < 0.55)	NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL RL REDUCED LEVEL BOUNDARY EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS	ARCHITECT: MHNDU ION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHN Design Urban Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907	DRAWING TITLE: ELEVATION NORTH PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030	SCALE: 1:100@A3 ISSUE DATE: 18/8/21 PROJECT NUMBER: 14-081	DRAWN BY: SL CHECKED: MW REVISION: B DWG NUMBER: DA 3000
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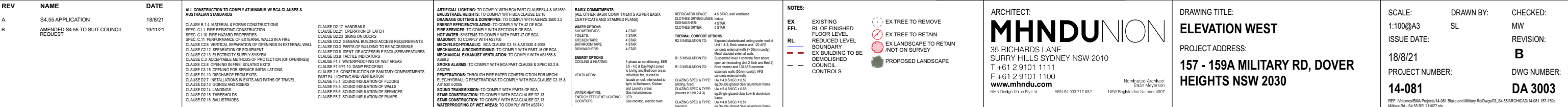
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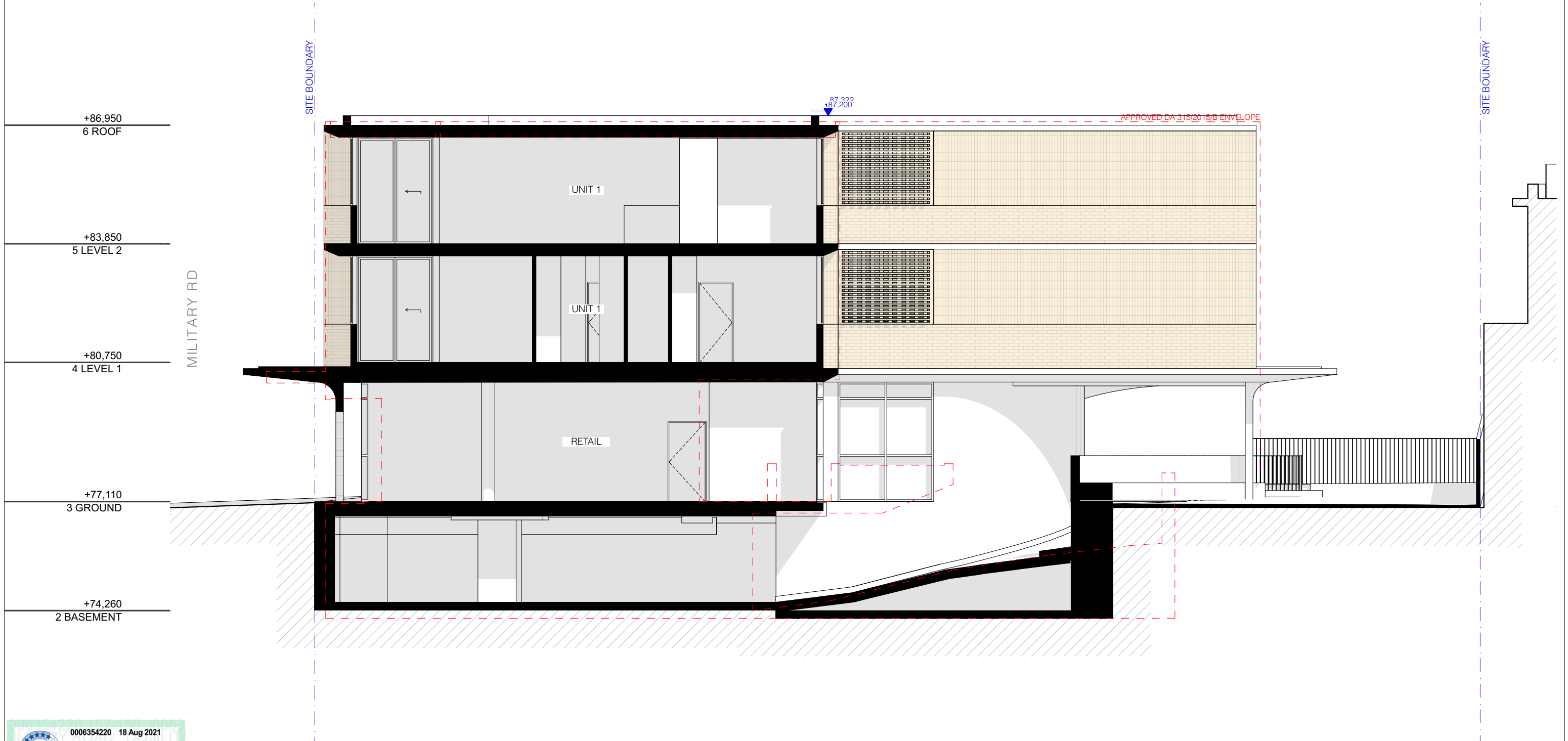


0006354220 18 Aug 2021
Assessor: Dean Gorman
Accreditation No: DMN13/1645
Address: 157-159 Military Road, Dover Heights, NSW, 2030
www.nuths.gov.au
hstar.com.au

REV	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.7 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART 2.7 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 2.6 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1589 & AS1590 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS: TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERHEADS: 4 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR DISHWASHERS: 4 STAR ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, SER 3.5 - 4.0 & Day/Night zoned to Living and Bathroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas cooktop, electric oven VENTILATION: 1 phase air conditioning, SER 3.5 - 4.0 & Day/Night zoned to Living and Bathroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas cooktop, electric oven WATER HEATING: Gas instantaneous ENERGY EFFICIENT LIGHTING: LED COOKTOPS: Gas cooktop, electric oven	REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINES: Indoor DISHWASHER: 4 STAR CLOTHES DRYER: 4 STAR THERMAL COMFORT OPTIONS R2.3 INSULATION TO: Exposed plasterboard ceiling under roof of Unit 1 & 2; Brick veneer and 120 MFS concrete external walls (0.10m cavity); Metal clad external walls Suspended level 1 concrete floor above open air parking Unit 2 Bath and Bed 2) Brick veneer and 120 MFS concrete external walls (0.10m cavity) AF5 concrete external walls Low e 4.0 SHGC - 0.58 eg Double glazed clear aluminium frame Low e 4.0 SHGC - 0.58 eg Single glazed clear Low e aluminium frame Low e 4.0 SHGC - 0.51 eg Double glazed clear aluminium frame	NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL RL REDUCED LEVEL EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS	ARCHITECT: MHNDU NION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907	DRAWING TITLE: ELEVATION EAST PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030	SCALE: 1:100@A3 ISSUE DATE: 18/8/21 PROJECT NUMBER: 14-081	DRAWN BY: SL CHECKED: MW REVISION: A DWG NUMBER: DA 3002
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RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 19/11/2021





6.5

Average star rating

NATIONWIDE HOUSE

www.nuthouse.gov.au

0006354220 18 Aug 2021

Assessor: Dean Gorman
Accreditation No: DMN13/1645
Address
157-159 Military Road, Dover Heights, NSW, 2030

hstar.com.au

REV	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS		ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.16	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)	REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINES: Indoor DISHWASHER: 4 STAR CLOTHES DRYER: 4 STAR	NOTES:	ARCHITECT:	DRAWING TITLE:	SCALE:	DRAWN BY:	CHECKED:
A	S4.55 APPLICATION	18/8/21	CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 FIRE RESISTING CONSTRUCTION SPEC C 1.10 FIRE HAZARD PROPERTIES SPEC C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 1.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 2.12 SEPARATION OF EQUIPMENT CLAUSE C 1.13 ELECTRICITY SUPPLY SYSTEM CLAUSE C 3.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS CLAUSE C 1.15 OPENING FOR SERVICE INSTALLATIONS CLAUSE D 1.16 DISCHARGE FROM EXITS CLAUSE D 2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D 2.15 GOINGS AND RISERS CLAUSE D 2.14 LANDINGS CLAUSE D 2.15 THRESHOLDS CLAUSE D 2.16 BALUSTRADES	CLAUSE D 2.17 HANDRAILS CLAUSE D 2.21 OPERATION OF LATCH CLAUSE D 2.23 SIGNS ON DOORS CLAUSE D 2.2 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 3.1 IDENT. OF ACCESSIBLE FACIL-SERV-FEATURES CLAUSE D 3.8 TACTILE INDICATORS CLAUSE F 1.7 WATERPROOFING OF WET AREAS CLAUSE F 1.9 F1.9 F1.10 DAMP PROOFING CLAUSE 2.3 CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 LIGHTING AND VENTILATION CLAUSE F 4.4 SOUND INSULATION OF FLOORS CLAUSE F 5.5 SOUND INSULATION OF WALLS CLAUSE F 5.8 SOUND INSULATION OF SERVICES CLAUSE F 5.7 SOUND INSULATION OF PUMPS	DRAINAGE GUTTERS & DOWNPIPS: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY: TO COMPLY WITH 2.6 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 4 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 2 OF BCA MAJORITY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 2.6 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1569 & AS3786 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C 1.5 & AS1530-4-2005 STAR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	WATER OPTIONS SHOWERHEADS: 4 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR DISHWASHERS: 4 STAR ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, SEER 3.5 - 4.0 & Day/Night zoned to Living and Bathroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas instantaneous LED Gas cooktop, electric oven VENTILATION: 1 phase air conditioning, SEER 3.5 - 4.0 & Day/Night zoned to Living and Bathroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas instantaneous LED Gas cooktop, electric oven	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 2.6 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1569 & AS3786 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C 1.5 & AS1530-4-2005 STAR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	4.5 STAR, well ventilated CLOTHES DRYING LINES: Indoor DISHWASHER: 4 STAR CLOTHES DRYER: 4 STAR THERMAL COMFORT OPTIONS Exposed plasterboard ceiling under roof of Unit 1 & 2: Brick veneer and 120 MFS concrete external walls (0.10mm cavity): Metal clad external walls Suspended level 1 concrete floor above open air parking Unit 2: Brick veneer and 120 MFS concrete external walls (0.10mm cavity): AF5 concrete external walls Low e + 8 SHGC + 0.58 eg Double glazed clear aluminum frame Low e + 8 SHGC + 0.58 eg Single glazed clear Low-E aluminum frame Low e + 8 SHGC + 0.51 eg Double glazed clear aluminum frame	EX FFL EXISTING RL OF FINISHED FLOOR LEVEL RL REDUCED LEVEL BOUNDARY EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS EX TREE TO REMOVE EX TREE TO RETAIN EX LANDSCAPE TO RETAIN /NOT ON SURVEY PROPOSED LANDSCAPE	MHND UNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907	SECTION A PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030	1:100@A3 ISSUE DATE: 18/8/21 PROJECT NUMBER: 14-081	SL MW REVISION: A DWG NUMBER: DA 3100

REF: Billmould: 00mould.mhndu.com - Billmould Basic for ARCHCAD 2014-081-157-159a Military Rd - CD



REV	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 22 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART J1 OF BCA NOT WATER: SYSTEMS TO COMPLY WITH PART J2 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 26 OF BCA MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 26 OF BCA SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTROHYDRAULIC PENETRATIONS: TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005 STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERHEADS: 4 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR DISHWASHERS: 4 STAR ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, SER 3.5 - 4.0 & Day/Night zoned to Living and Bedroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas instantaneous LED Gas cooktop, electric oven VENTILATION: 1 phase air conditioning, SER 3.5 - 4.0 & Day/Night zoned to Living and Bedroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas instantaneous LED Gas cooktop, electric oven WATER HEATING: Gas instantaneous ENERGY EFFICIENT LIGHTING: LED COOKTOPS: Gas cooktop, electric oven	REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINES: Indoor DISHWASHER: 4 STAR CLOTHES DRYER: 4 STAR THERMAL COMFORT OPTIONS R2.3 INSULATION TO: Exposed plasterboard ceiling under roof of Unit 1 & 2; Brick veneer and 120 MFS concrete external walls (0.10m cavity); Metal cladded external walls Suspended level 1 concrete floor above open air parking Unit 2 (Bath and Bed 2) Brick veneer and 120 MFS concrete external walls (0.10m cavity) AF concrete external walls Low e 4.0 SHGC - 0.58 eg Double glazed clear aluminium frame Low e 4.0 SHGC - 0.58 eg Single glazed clear Low e aluminium frame Low e 4.0 SHGC - 0.51 eg Double glazed clear aluminium frame	NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL RL REDUCED LEVEL BOUNDARY EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS EX TREE TO REMOVE EX TREE TO RETAIN EX LANDSCAPE TO RETAIN /NOT ON SURVEY PROPOSED LANDSCAPE	ARCHITECT: MHNDU ION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907	DRAWING TITLE: SECTION B PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030	SCALE: 1:100@A3 ISSUE DATE: 18/8/21 PROJECT NUMBER: 14-081	DRAWN BY: SL CHECKED: MW REVISION: A DWG NUMBER: DA 3101
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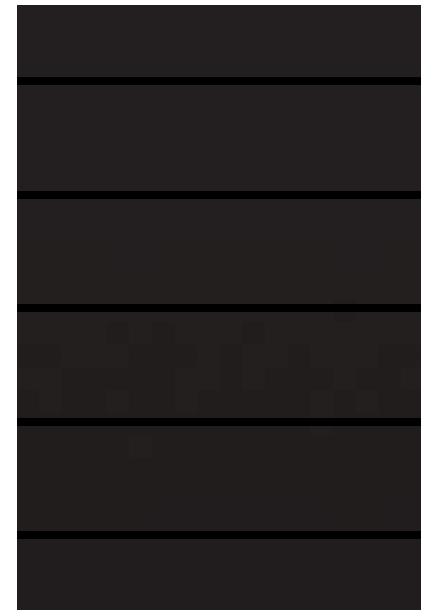
**BR1/BR2/BR3 BRICKWORK, EMPEROR GHOST, MORTAR TO MATCH
RUNNING BOND/STACK BOND/BRICK SCREEN**



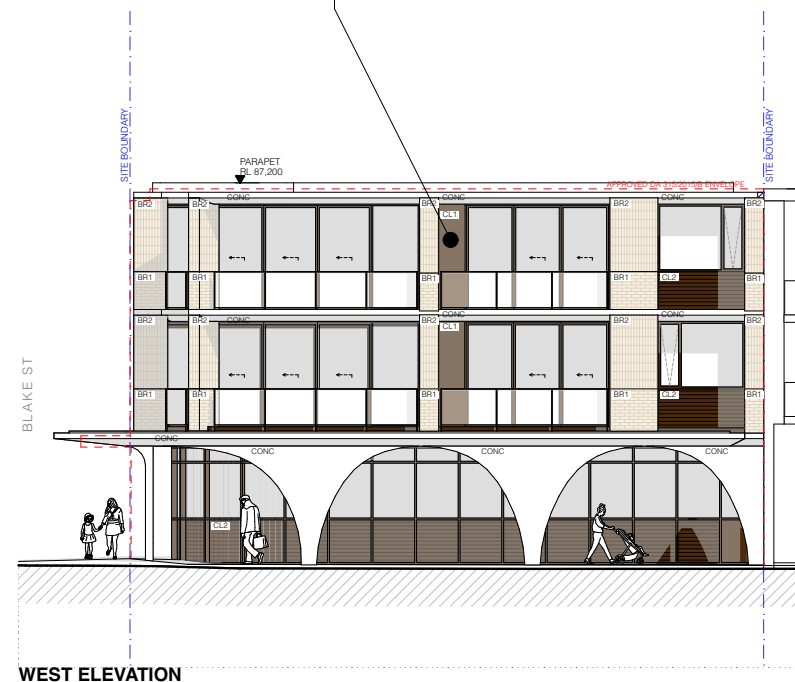
CONC OFF-FORM CONCRETE, LIGHT



CL2 SMOOTH FACE METAL CLADDING, INTERPON PRECIS DARK BRONZE

CL1 HORIZONTAL BATTEN PROFILE METAL CLADDING, INTERPON
PRECIS DARK BRONZE

NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

REV	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680 AUSTRALASIAN TRADE IDENTIFIER: TO COMPLY WITH BCA CLAUSE 22.18 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENCY: TO COMPLY WITH 22.6 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 9 OF BCA HOT WATER SYSTEMS: TO COMPLY WITH 27 OF BCA REDUCED LEVEL LEVEL MECHANICAL & HYDRAULIC: BCA CLAUSE 23.15 & AS1540 & 2005 MECHANICAL & ELECTRICAL: TO COMPLY WITH PART 4 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1698 & 6 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE 2.2 & 2.2.2 CL 2.2.2.1 CL 2.2.2.2 CL 2.2.2.3 CL 2.2.2.4 CL 2.2.2.5 CL 2.2.2.6 CL 2.2.2.7 CL 2.2.2.8 CL 2.2.2.9 CL 2.2.2.10 CL 2.2.2.11 CL 2.2.2.12 CL 2.2.2.13 CL 2.2.2.14 CL 2.2.2.15 CL 2.2.2.16 CL 2.2.2.17 CL 2.2.2.18 CL 2.2.2.19 CL 2.2.2.20 CL 2.2.2.21 CL 2.2.2.22 CL 2.2.2.23 CL 2.2.2.24 CL 2.2.2.25 CL 2.2.2.26 CL 2.2.2.27 CL 2.2.2.28 CL 2.2.2.29 CL 2.2.2.30 CL 2.2.2.31 CL 2.2.2.32 CL 2.2.2.33 CL 2.2.2.34 CL 2.2.2.35 CL 2.2.2.36 CL 2.2.2.37 CL 2.2.2.38 CL 2.2.2.39 CL 2.2.2.40 CL 2.2.2.41 CL 2.2.2.42 CL 2.2.2.43 CL 2.2.2.44 CL 2.2.2.45 CL 2.2.2.46 CL 2.2.2.47 CL 2.2.2.48 CL 2.2.2.49 CL 2.2.2.50 CL 2.2.2.51 CL 2.2.2.52 CL 2.2.2.53 CL 2.2.2.54 CL 2.2.2.55 CL 2.2.2.56 CL 2.2.2.57 CL 2.2.2.58 CL 2.2.2.59 CL 2.2.2.60 CL 2.2.2.61 CL 2.2.2.62 CL 2.2.2.63 CL 2.2.2.64 CL 2.2.2.65 CL 2.2.2.66 CL 2.2.2.67 CL 2.2.2.68 CL 2.2.2.69 CL 2.2.2.70 CL 2.2.2.71 CL 2.2.2.72 CL 2.2.2.73 CL 2.2.2.74 CL 2.2.2.75 CL 2.2.2.76 CL 2.2.2.77 CL 2.2.2.78 CL 2.2.2.79 CL 2.2.2.80 CL 2.2.2.81 CL 2.2.2.82 CL 2.2.2.83 CL 2.2.2.84 CL 2.2.2.85 CL 2.2.2.86 CL 2.2.2.87 CL 2.2.2.88 CL 2.2.2.89 CL 2.2.2.90 CL 2.2.2.91 CL 2.2.2.92 CL 2.2.2.93 CL 2.2.2.94 CL 2.2.2.95 CL 2.2.2.96 CL 2.2.2.97 CL 2.2.2.98 CL 2.2.2.99 CL 2.2.3 CL 2.2.3.1 CL 2.2.3.2 CL 2.2.3.3 CL 2.2.3.4 CL 2.2.3.5 CL 2.2.3.6 CL 2.2.3.7 CL 2.2.3.8 CL 2.2.3.9 CL 2.2.3.10 CL 2.2.3.11 CL 2.2.3.12 CL 2.2.3.13 CL 2.2.3.14 CL 2.2.3.15 CL 2.2.3.16 CL 2.2.3.17 CL 2.2.3.18 CL 2.2.3.19 CL 2.2.3.20 CL 2.2.3.21 CL 2.2.3.22 CL 2.2.3.23 CL 2.2.3.24 CL 2.2.3.25 CL 2.2.3.26 CL 2.2.3.27 CL 2.2.3.28 CL 2.2.3.29 CL 2.2.3.30 CL 2.2.3.31 CL 2.2.3.32 CL 2.2.3.33 CL 2.2.3.34 CL 2.2.3.35 CL 2.2.3.36 CL 2.2.3.37 CL 2.2.3.38 CL 2.2.3.39 CL 2.2.3.40 CL 2.2.3.41 CL 2.2.3.42 CL 2.2.3.43 CL 2.2.3.44 CL 2.2.3.45 CL 2.2.3.46 CL 2.2.3.47 CL 2.2.3.48 CL 2.2.3.49 CL 2.2.3.50 CL 2.2.3.51 CL 2.2.3.52 CL 2.2.3.53 CL 2.2.3.54 CL 2.2.3.55 CL 2.2.3.56 CL 2.2.3.57 CL 2.2.3.58 CL 2.2.3.59 CL 2.2.3.60 CL 2.2.3.61 CL 2.2.3.62 CL 2.2.3.63 CL 2.2.3.64 CL 2.2.3.65 CL 2.2.3.66 CL 2.2.3.67 CL 2.2.3.68 CL 2.2.3.69 CL 2.2.3.70 CL 2.2.3.71 CL 2.2.3.72 CL 2.2.3.73 CL 2.2.3.74 CL 2.2.3.75 CL 2.2.3.76 CL 2.2.3.77 CL 2.2.3.78 CL 2.2.3.79 CL 2.2.3.80 CL 2.2.3.81 CL 2.2.3.82 CL 2.2.3.83 CL 2.2.3.84 CL 2.2.3.85 CL 2.2.3.86 CL 2.2.3.87 CL 2.2.3.88 CL 2.2.3.89 CL 2.2.3.90 CL 2.2.3.91 CL 2.2.3.92 CL 2.2.3.93 CL 2.2.3.94 CL 2.2.3.95 CL 2.2.3.96 CL 2.2.3.97 CL 2.2.3.98 CL 2.2.3.99 CL 2.2.4 CL 2.2.4.1 CL 2.2.4.2 CL 2.2.4.3 CL 2.2.4.4 CL 2.2.4.5 CL 2.2.4.6 CL 2.2.4.7 CL 2.2.4.8 CL 2.2.4.9 CL 2.2.4.10 CL 2.2.4.11 CL 2.2.4.12 CL 2.2.4.13 CL 2.2.4.14 CL 2.2.4.15 CL 2.2.4.16 CL 2.2.4.17 CL 2.2.4.18 CL 2.2.4.19 CL 2.2.4.20 CL 2.2.4.21 CL 2.2.4.22 CL 2.2.4.23 CL 2.2.4.24 CL 2.2.4.25 CL 2.2.4.26 CL 2.2.4.27 CL 2.2.4.28 CL 2.2.4.29 CL 2.2.4.30 CL 2.2.4.31 CL 2.2.4.32 CL 2.2.4.33 CL 2.2.4.34 CL 2.2.4.35 CL 2.2.4.36 CL 2.2.4.37 CL 2.2.4.38 CL 2.2.4.39 CL 2.2.4.40 CL 2.2.4.41 CL 2.2.4.42 CL 2.2.4.43 CL 2.2.4.44 CL 2.2.4.45 CL 2.2.4.46 CL 2.2.4.47 CL 2.2.4.48 CL 2.2.4.49 CL 2.2.4.50 CL 2.2.4.51 CL 2.2.4.52 CL 2.2.4.53 CL 2.2.4.54 CL 2.2.4.55 CL 2.2.4.56 CL 2.2.4.57 CL 2.2.4.58 CL 2.2.4.59 CL 2.2.4.60 CL 2.2.4.61 CL 2.2.4.62 CL 2.2.4.63 CL 2.2.4.64 CL 2.2.4.65 CL 2.2.4.66 CL 2.2.4.67 CL 2.2.4.68 CL 2.2.4.69 CL 2.2.4.70 CL 2.2.4.71 CL 2.2.4.72 CL 2.2.4.73 CL 2.2.4.74 CL 2.2.4.75 CL 2.2.4.76 CL 2.2.4.77 CL 2.2.4.78 CL 2.2.4.79 CL 2.2.4.80 CL 2.2.4.81 CL 2.2.4.82 CL 2.2.4.83 CL 2.2.4.84 CL 2.2.4.85 CL 2.2.4.86 CL 2.2.4.87 CL 2.2.4.88 CL 2.2.4.89 CL 2.2.4.90 CL 2.2.4.91 CL 2.2.4.92 CL 2.2.4.93 CL 2.2.4.94 CL 2.2.4.95 CL 2.2.4.96 CL 2.2.4.97 CL 2.2.4.98 CL 2.2.4.99 CL 2.2.5 CL 2.2.5.1 CL 2.2.5.2 CL 2.2.5.3 CL 2.2.5.4 CL 2.2.5.5 CL 2.2.5.6 CL 2.2.5.7 CL 2.2.5.8 CL 2.2.5.9 CL 2.2.5.10 CL 2.2.5.11 CL 2.2.5.12 CL 2.2.5.13 CL 2.2.5.14 CL 2.2.5.15 CL 2.2.5.16 CL 2.2.5.17 CL 2.2.5.18 CL 2.2.5
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AREA CALCULATIONS - BASEMENT & GROUND FLOOR

AMENDED PLANS

SITE AREA	510 m ²
APPROVED FSR DA 315/2015	1.2 : 1
PROPOSED FSR	1.39 : 1

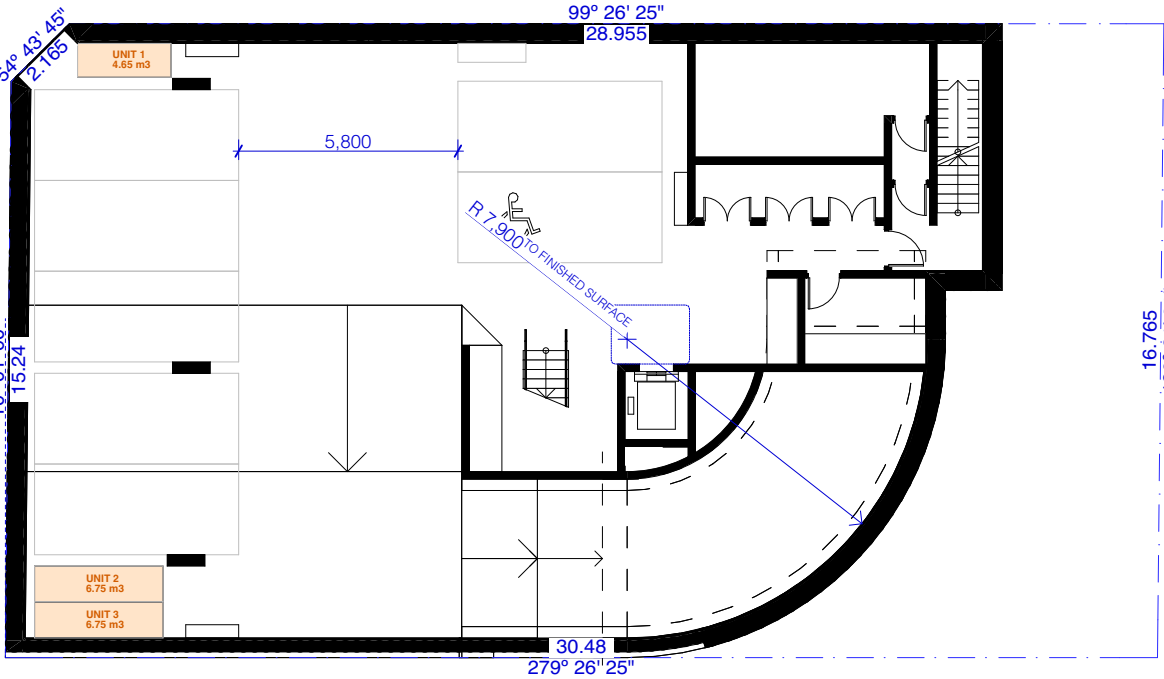
GFA CALCULATION	APPROVED DA 315/2015	PROPOSED
GROUND	120 m ²	217.26 m ²
LEVEL 1	247 m ²	252.00 m ²
LEVEL 2	245 m ²	242.14 m ²
TOTAL	612 m ²	711.41 m ²

STORAGE CALCULATION	INTERNAL	EXTERNAL	
UNIT 1	8.06 m ³	+	4.65 m ² = 12.71 m ²
UNIT 2	7.61 m ²	+	6.75 m ² = 14.36 m ²
UNIT 3	6.55 m ²	+	6.75 m ² = 13.30 m ²
TOTAL			40.37 m ²

PRIVATE OPEN SPACE (P.O.S.) CALCULATION	
UNIT 1	22.32 m ²
UNIT 2	29.56 m ²
UNIT 3	36.23 m ²
TOTAL	88.11 m ²

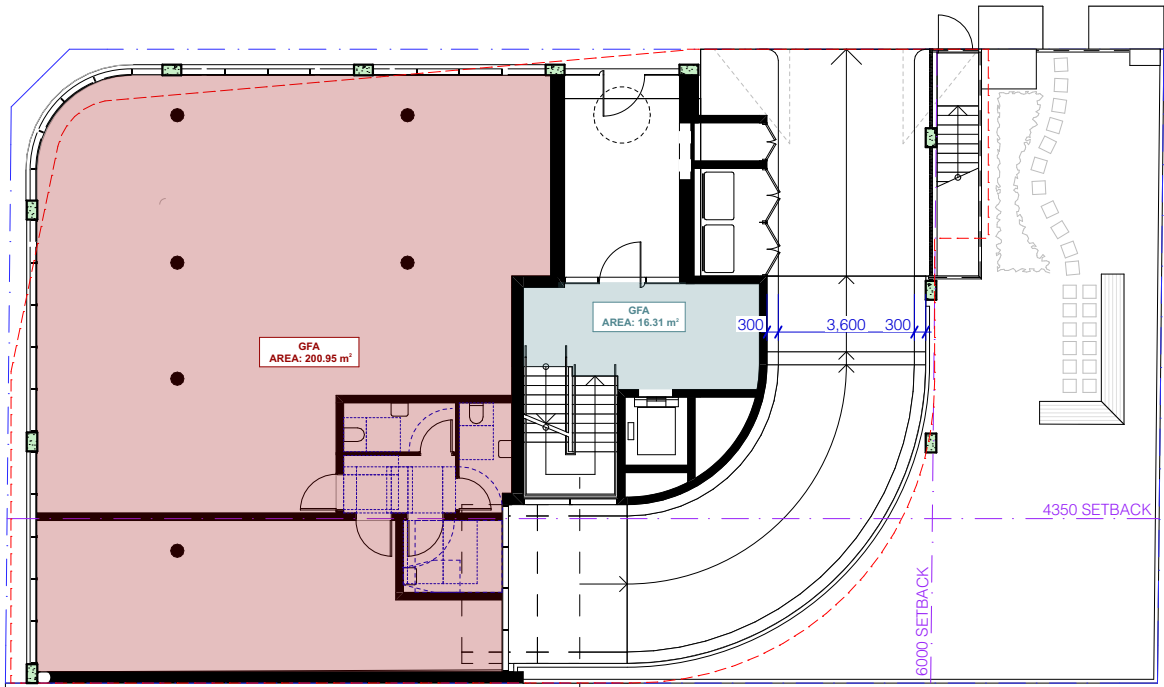
COMMUNAL OPEN SPACE CALCULATION	
LANDSCAPED	112.32 m ²
DEEP SOIL	100.81 m ²

BASEMENT FLOOR PLAN



RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 22/11/2021

GROUND FLOOR PLAN



REV	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1686 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.7 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA NOT WATER: SYSTEMS TO COMPLY WITH PART 4.7 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1569 & AS1569.2 MECHANICAL AIR CONDITIONING: TO COMPLY WITH AS1569 & AS1569.2 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1539.4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS) WATER OPTIONS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR DISHWASHERS: 4 STAR ENERGY OPTIONS: COOLING & HEATING: 1 phase air conditioning, SER 3.5 : 4.0 & Day/Night zoned to Living and Bedroom areas. Individual fan, ducted to light in Bathroom, Kitchen and Laundry areas. Gas instantaneous LED. Gas cooktop, electric oven COOKTOPS: 4 STAR REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINES: 4 STAR DISHWASHERS: 4 STAR CLOTHES DRYER: 4 STAR THERMAL COMFORT OPTIONS: R2.3 INSULATION TO: Exposed plasterboard ceiling under roof of Unit 1 & 2; Brick veneer and 120 AF concrete external walls (0.10m cavity); Metal cladded external walls (0.10m cavity) AF Suspended level 1 concrete floor above open air parking Unit 2, Bath and Bed 2) Brick veneer and 120 AF concrete external walls (0.10m cavity) AF Double glazed clear aluminium frame Low e 4.8 SHGC + 0.58 eg Double glazed clear Low e aluminium frame Low e 4.8 SHGC + 0.58 eg Single glazed clear Low e aluminium frame Low e 4.8 SHGC + 0.51 eg Double glazed clear aluminium frame GLAZING SPEC & TYPE: (Rooms in Unit 2 & 3)	NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL RL REDUCED LEVEL BOUNDARY EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS EX TREE TO REMOVE EX TREE TO RETAIN EX LANDSCAPE TO RETAIN /NOT ON SURVEY PROPOSED LANDSCAPE	ARCHITECT: MHN DU NION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907	DRAWING TITLE: AREA CALCULATIONS - BASEMENT & GROUND FLOOR PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030	SCALE: 1:200@A3 ISSUE DATE: 18/8/21 PROJECT NUMBER: 14-081	DRAWN BY: SL	CHECKED: MW REVISION: B DWG NUMBER: DA 9100
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RECEIVED	
Waverley Council	
Application No: DA-316/2015/D	
Date Received: 27/08/2021	

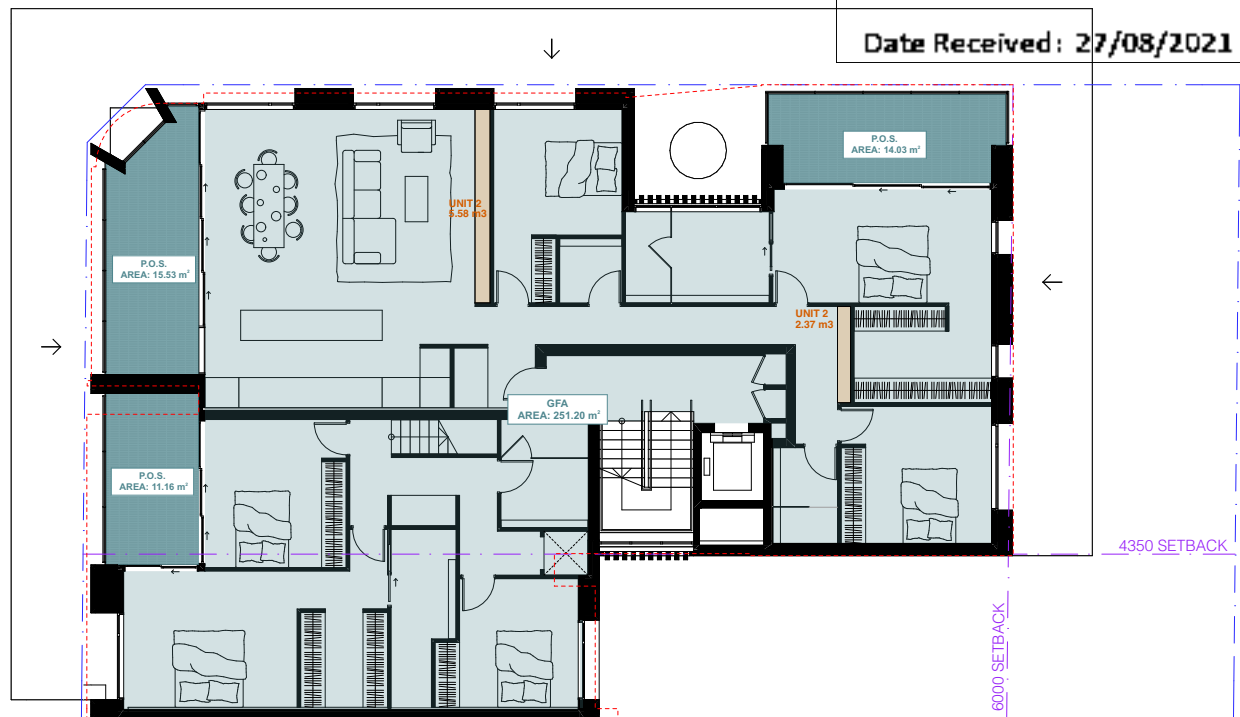
SITE AREA	510 m ²
APPROVED FSR DA 315/2015	1.2 : 1
PROPOSED FSR	1.37 : 1

GFA CALCULATION		
	APPROVED DA 315/2015	PROPOSED
GROUND	120 m ²	195.27 m ²
LEVEL 1	247 m ²	253.62 m ²
LEVEL 2	245 m ²	250.72 m ²
	612 m ²	699.61 m ²

STORAGE CALCULATION					
	INTERNAL		EXTERNAL		
UNIT 1	8.06 m ³	+	4.65 m ²	=	12.71 m ²
UNIT 2	7.61 m ²	+	6.75 m ²	=	14.36 m ²
UNIT 3	6.55 m ²	+	6.75 m ²	=	13.30 m ²
TOTAL					40.37 m ²

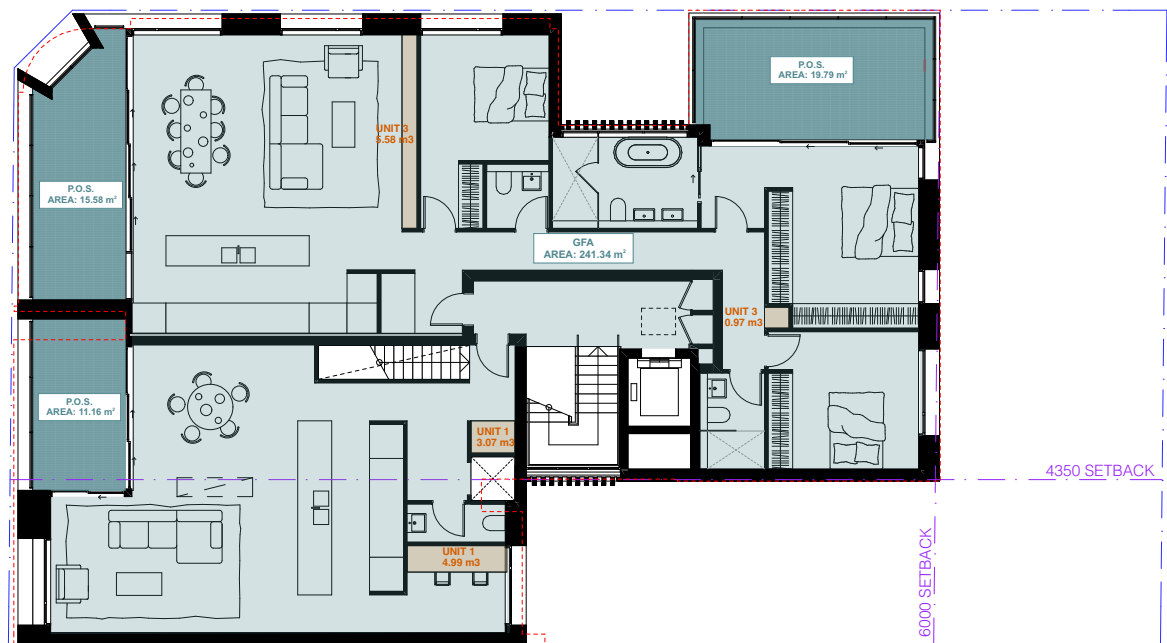
PRIVATE OPEN SPACE (P.O.S.) CALCULATION	
UNIT 1	22.32 m ²
UNIT 2	29.56 m ²
UNIT 3	36.23 m ²
TOTAL	88.11 m²

COMMUNAL OPEN SPACE CALCULATION	
LANDSCAPED	112.32 m ²
DEEP SOIL	100.81 m ²



OPEN ABOVE AND BELOW

LEVEL 1



LEVEL 2

S: 85.06

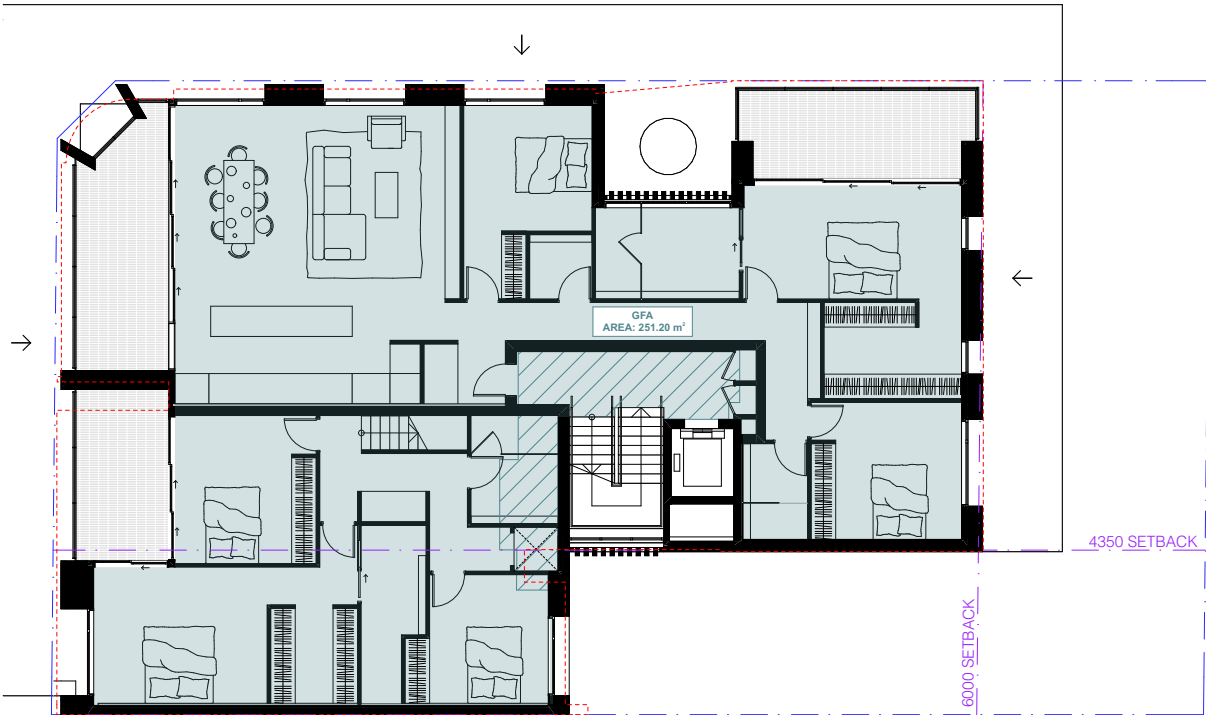
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GFA CALCULATION

	APPROVED DA 315/2015	PROPOSED
GROUND	120 m ²	200.5 m ²
LEVEL 1	247 m ²	252.00 m ²
LEVEL 2	245 m ²	242.14 m ²
TOTAL	612 m ²	694.64 m ²

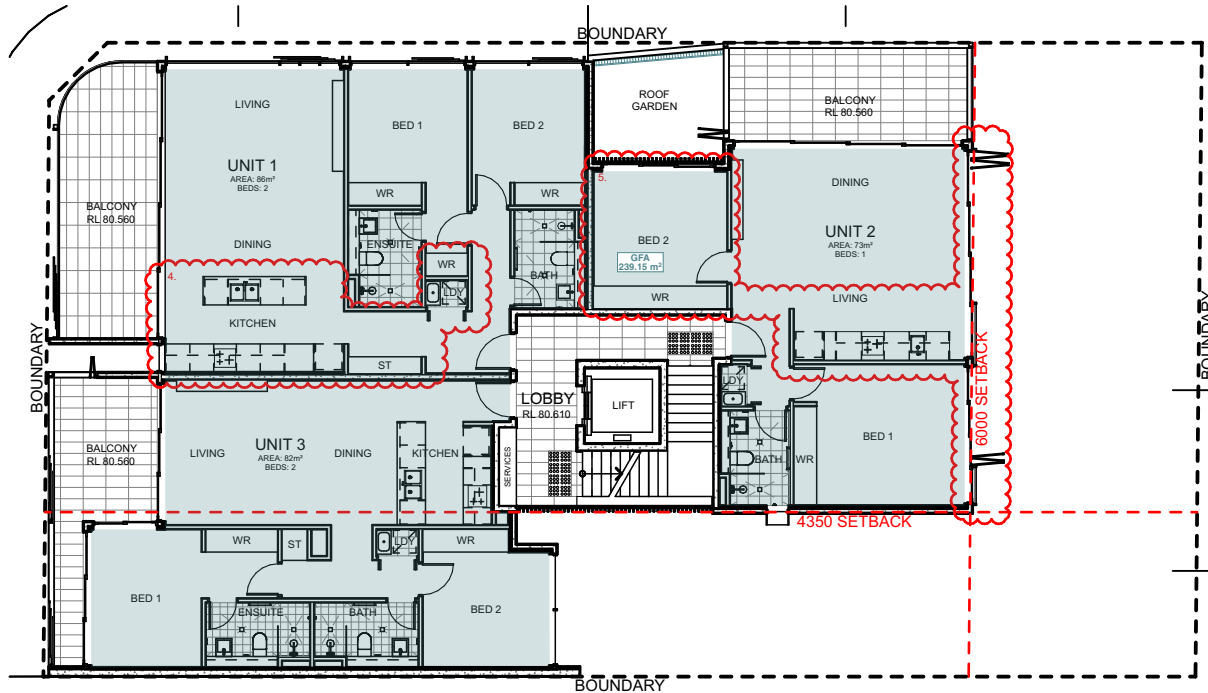
LEGEND

- PROPOSED RETAIL GFA
- ADDITIONAL RETAIL GFA
- PROPOSED RESIDENTIAL GFA
- ADDITIONAL RESIDENTIAL GFA

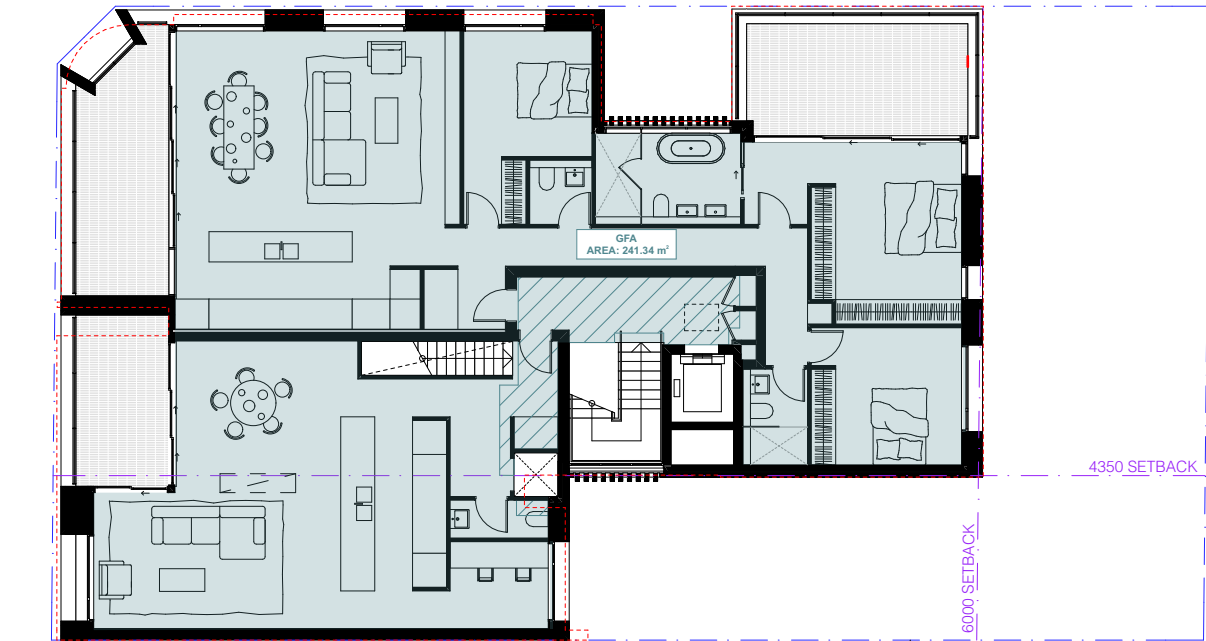


LEVEL 1 FLOOR PLAN
PROPOSED

OPEN ABOVE AND BELOW

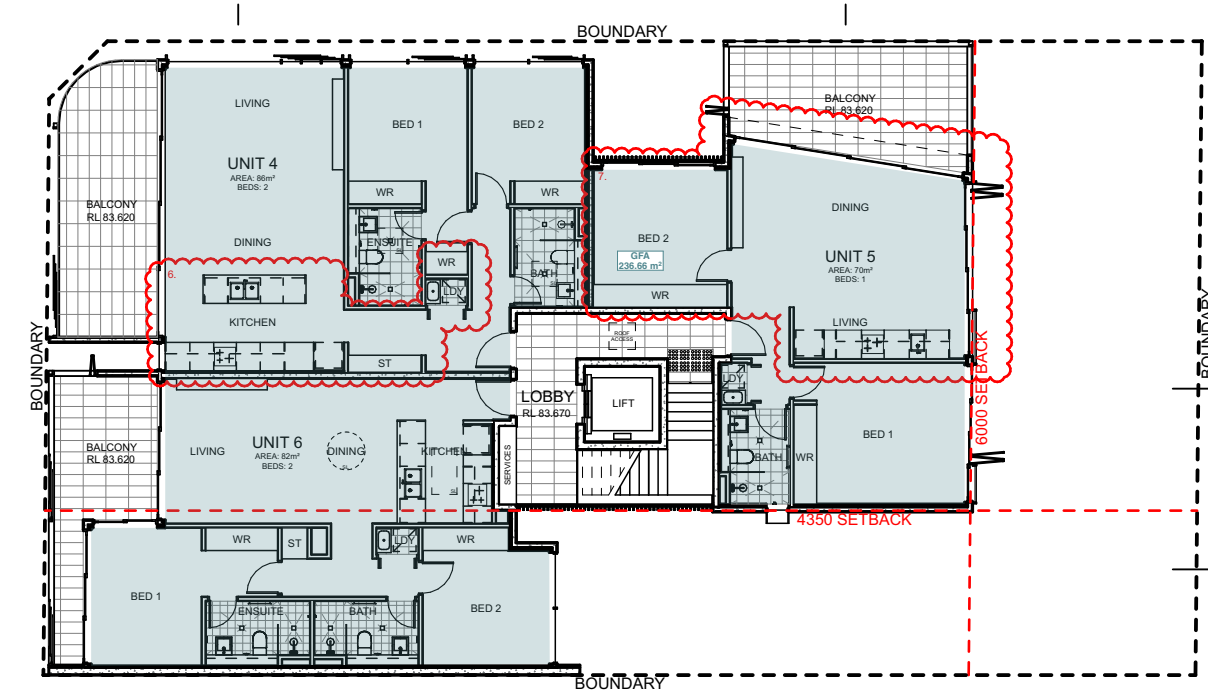


LEVEL 1 FLOOR PLAN
APPROVED (DA-315/2015/B)



LEVEL 2 FLOOR PLAN
PROPOSED

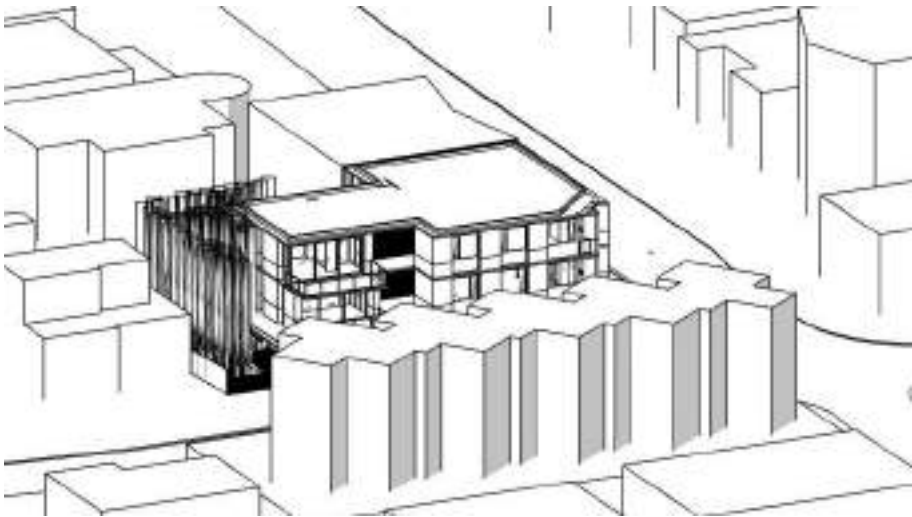
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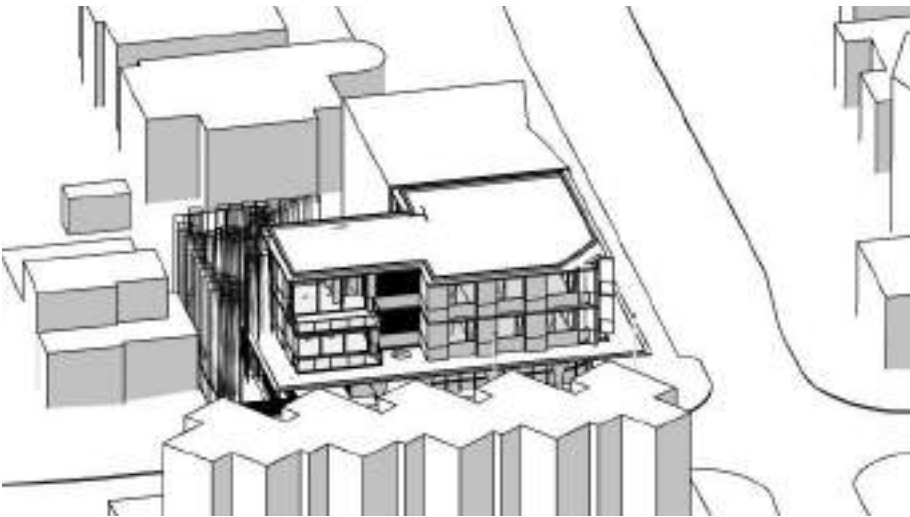
LEVEL 2 FLOOR PLAN
APPROVED (DA-315/2015/B)

B	NAME	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS		ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1686 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART 1.2 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 2.6 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1569 & AS1570 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & SPEC E2.2 & AS1570	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)	REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINEN: 4 STAR CLOTHES DRYING: 4 STAR THERMAL COMFORT OPTIONS: Exposed plasterboard ceiling under roof of Unit 1 & 2; Brick veneer and 120 AF5 concrete external walls (10mm cavity); Metal clad external walls; Suspended level 1 concrete floor above open air parking Unit 2; Brick veneer and 120 AF5 concrete external walls (10mm cavity); AF5 concrete external walls; Low e 4.8 SHGC + 0.51; eg Double glazed clear aluminium frame Low e 4.8 SHGC + 0.51; eg Double glazed clear aluminium frame	NOTES:	ARCHITECT:	DRAWING TITLE:	SCALE:	DRAWN BY:	CHECKED:
	ADDITIONAL INFORMATION IN RESPONSE TO COUNCIL'S RF1	27/10/21	CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC C1.1 FIRE RESISTING CONSTRUCTION SPEC C1.10 FIRE HAZARD PROPERTIES SPEC C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.5 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 SEPARATION OF EQUIPMENT CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM CLAUSE C3.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS CLAUSE C3.16 DISCHARGE FROM EXITS CLAUSE C3.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE C3.18 GOINGS AND RISERS CLAUSE C3.19 LANDINGS CLAUSE C3.20 THRESHOLDS CLAUSE D2.16 BALUSTRADES	CLAUSE D2.17 HANDRAILS CLAUSE D2.21 OPERATION OF LATCH CLAUSE D2.23 SIGNS ON DOORS CLAUSE D2.2 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D2.3 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.1 IDENT. OF ACCESSIBLE FACIL-SERVICE FEATURES CLAUSE D3.8 TACTILE INDICATORS CLAUSE F1.7 WATERPROOFING OF WET AREAS CLAUSE F1.9 F1.10 DAMP PROOFING CLAUSE 2.3 CONSTRUCTION OF SANITARY COMPARTMENTS PART F4. LIGHTING AND VENTILATION CLAUSE F4.4 SOUND INSULATION OF FLOORS CLAUSE F5.5 SOUND INSULATION OF WALLS CLAUSE F5.8 SOUND INSULATION OF SERVICES CLAUSE F5.7 SOUND INSULATION OF PUMPS	1 photos air conditioning, SER 3.5: 4.8 & Day/Night zoned individual fan, ducted to outside or roof, insulated to light in Bathroom, Kitchen and Laundry areas Gas instantaneous LED Gas cooktop, electric oven	4.5 STAR, well ventilated CLOTHES DRYING LINEN: 4 STAR CLOTHES DRYING: 4 STAR THERMAL COMFORT OPTIONS: Exposed plasterboard ceiling under roof of Unit 1 & 2; Brick veneer and 120 AF5 concrete external walls (10mm cavity); Metal clad external walls; Suspended level 1 concrete floor above open air parking Unit 2; Brick veneer and 120 AF5 concrete external walls (10mm cavity); AF5 concrete external walls; Low e 4.8 SHGC + 0.51; eg Double glazed clear aluminium frame Low e 4.8 SHGC + 0.51; eg Double glazed clear aluminium frame	EXISTING FFL EXISTING RL OF FINISHED FLOOR LEVEL REDUCED LEVEL BOUNDARY EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS	MHNDU UNION	GFA COMPARISON - LEVEL 1 & 2	1:200@A3			
									35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com	PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030	27/10/21		
									Nominated Architect Brian Mayerson NSW Registration Number 4907		PROJECT NUMBER: 14-081		
											REVISION: B		
											DWG NUMBER: DA 9103		
											REF: \\volumes\BMA Projects\14-081 Blake and Military Rd\Depu03_S4.55\ARCH\CAD\14-081_157-159a Military Rd - S4.55 RFI 211027.pdf		

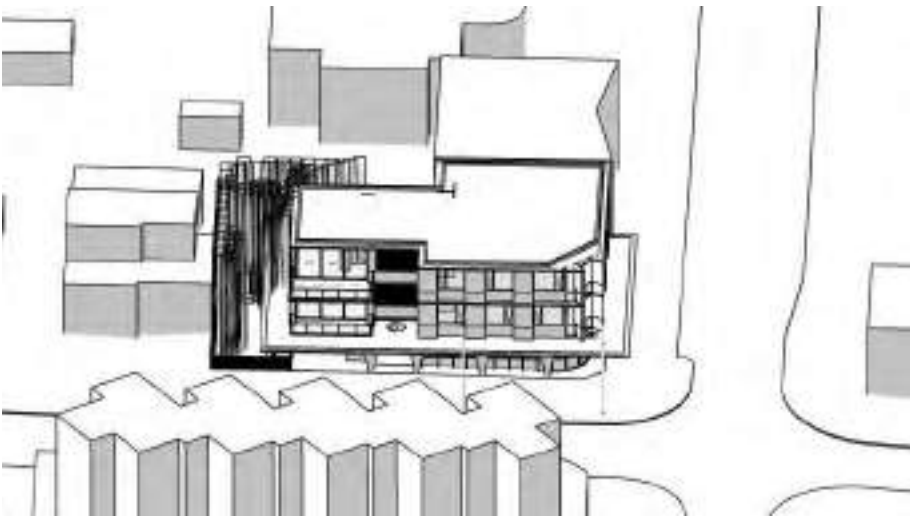
VIEWS FROM SUN - JUNE 21ST



9AM



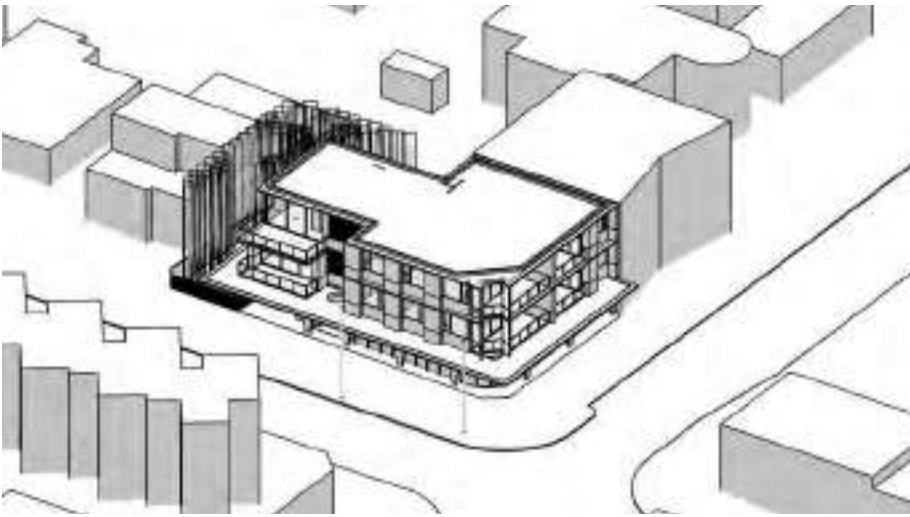
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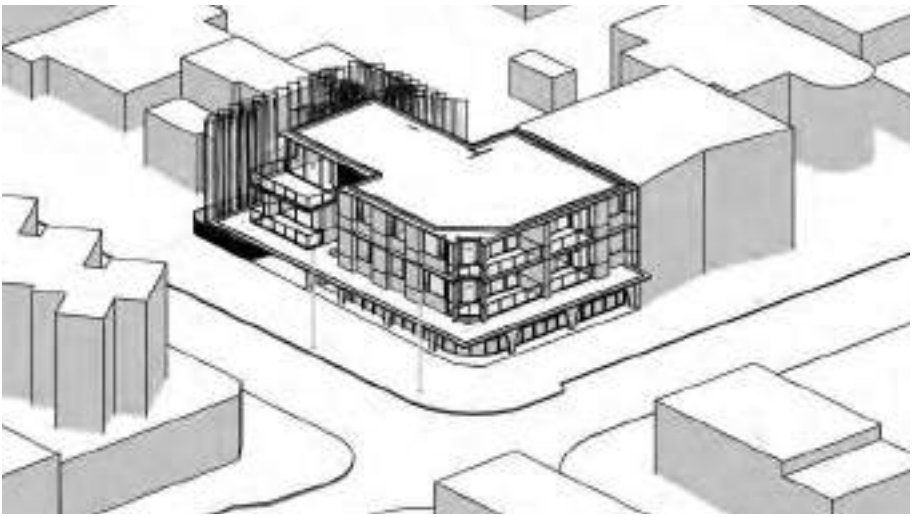
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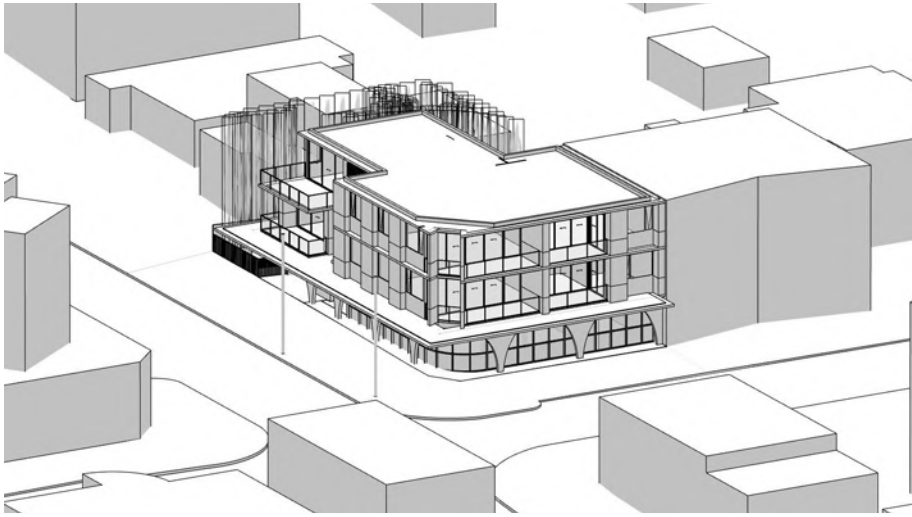
12PM



1PM



2PM



3PM

SOLAR AND CROSS VENTILATION CALCULATION

	SOLAR ACHIEVE 3+ HOURS	CROSS VENTILATION
UNIT 1	NO	YES
UNIT 2	YES	YES
UNIT 3	YES	YES
TOTAL	3 / 3	3 / 3

6.5

Average star rating

NATIONWIDE HOUSE

www.nuthers.gov.au

0006354220 18 Aug 2021

Assessor: Dean Gorman
Accreditation No. DMN13/1645
Address: 157-159 Military Road , Dover Heights , NSW , 2030

hstar.com.au

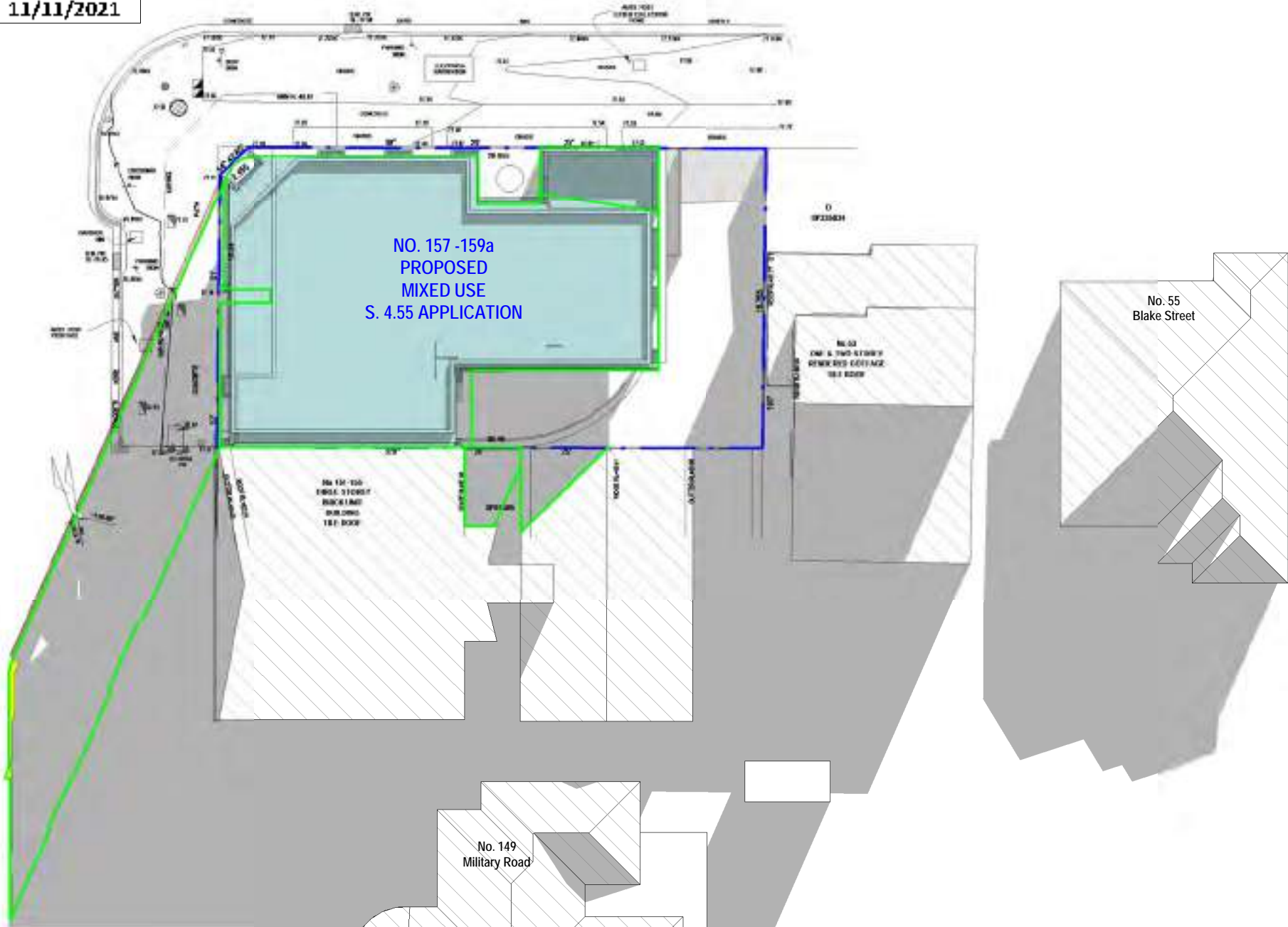
REV A	NAME S4.55 APPLICATION	DATE 18/8/21	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 FIRE RESISTING CONSTRUCTION SPEC C 1.10 FIRE HAZARD PROPERTIES SPEC C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 1.5 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 1.12 SEPARATION OF EQUIPMENT CLAUSE C 1.13 ELECTRICITY SUPPLY SYSTEM CLAUSE C 1.14 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 1.8 OPENING IN FIRE ISOLATED EXITS CLAUSE C 1.15 OPENING FOR SERVICE INSTALLATIONS CLAUSE C 1.16 DISCHARGE FROM EXITS CLAUSE C 1.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE C 1.18 GOINGS AND RISERS CLAUSE C 1.19 LANDINGS CLAUSE C 1.20 THRESHOLDS CLAUSE D 2.1 BALUSTRADES CLAUSE D 2.2 HANDRAILS CLAUSE D 2.3 OPERATION OF LATCH CLAUSE D 2.4 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 2.5 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 2.6 IDENT. OF ACCESSIBLE FACIL-SERVICE FEATURES CLAUSE D 2.7 TACTILE INDICATORS CLAUSE D 2.8 WATERPROOFING OF WET AREAS CLAUSE F 1.1 DAMP PROOFING CLAUSE F 1.2 CONSTRUCTION OF SANITARY COMPARTMENTS PART F 4.1 LIGHTING AND VENTILATION CLAUSE F 4.2 SOUND INSULATION OF FLOORS CLAUSE F 4.3 SOUND INSULATION OF WALLS CLAUSE F 4.4 SOUND INSULATION OF SERVICES CLAUSE F 4.5 SOUND INSULATION OF PUMPS ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F 4.4 & AS1686 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.7 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART J1 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART J2 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1686 & AS1687 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740 BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERHEADS: 4 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR DISHWASHERS: 4 STAR ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, SER 3.5 - 4.0 & Day/Night zoned to Living and Bedroom areas Individual fan, ducted to outside or roof, interlocked to light in Bathroom, Kitchen and Laundry areas Gas instantaneous LED Gas cooktop, electric oven REFRIGERATOR SPACE: 4.5 STAR, well ventilated CLOTHES DRYING LINES: Indoor DISHWASHER: 4 STAR CLOTHES DRYER: 4 STAR THERMAL COMFORT OPTIONS R2.3 INSULATION TO: Exposed plasterboard ceiling under roof of Unit 1 & 2; Brick veneer and 120 AFS concrete external walls (0.10m cavity); Metal cladded external walls Suspended level 1 concrete floor above open air carparking Unit 2 Bath and Bed 2) Brick veneer and 120 AFS concrete external walls (0.10m cavity) AFS concrete external walls Low e & SHGC < 0.50 eg Double glazed clear aluminum frame Low e & SHGC < 0.50 eg Single glazed clear Low e aluminum frame GLAZING SPEC & TYPE: Low e & SHGC < 0.51 eg Double glazed clear aluminum frame NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL RL REDUCED LEVEL BOUNDARY EX BUILDING TO BE DEMOLISHED COUNCIL CONTROLS EX TREE TO REMOVE EX TREE TO RETAIN EX LANDSCAPE TO RETAIN /NOT ON SURVEY PROPOSED LANDSCAPE ARCHITECT: MHN 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHN Design Union Pty Ltd, ABN 94 003 717 682 NSW Registration Number 4907 DRAWING TITLE: VIEWS FROM SUN - JUNE 21ST PROJECT ADDRESS: 157 - 159A MILITARY RD, DOVER HEIGHTS NSW 2030 SCALE: @A3 ISSUE DATE: 18/8/21 PROJECT NUMBER: 14-081 DRAWN BY: SL CHECKED: MW REVISION: A DWG NUMBER: DA 9200 REF: BIMcloud: bimcloud.mhndu.com - BIMcloud Basic for ARCHICAD 2414-081 157-159a Military Rd - CD 210712
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RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 11/11/2021

BLAKE STREET

ROAD

MILITARY



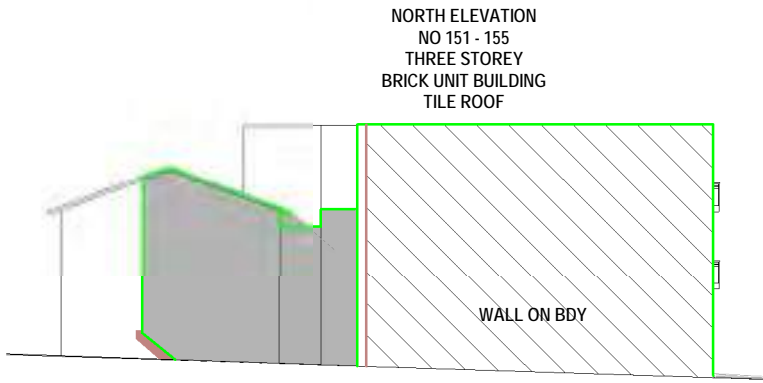
LEGEND:

- DENOTES OUTLINE OF APPROVED DA-316/2015/B BUILDING & SHADOW
- DENOTES AREA OF APPROVED DA-316/2015/B & SURROUNDING SHADOW
- DENOTES AREA OF PROPOSED S. 4.55 ADDITIONAL SHADOW AS COMPARED TO APPROVED DA-316/2015/B
- DENOTES AREA OF PROPOSED S. 4.55 REDUCTION IN SHADOW AS COMPARED TO APPROVED DA-316/2015/B

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY TERRALINKS SURVEYORS JOB NO. 4802 DATED 20.12.14 AND ARCHITECTURAL PLANS BY QUATTRO ARCHITECTURE PROJECT NO. 18-0448 FOR APPROVED PLANS AND MODELS SUPPLIED BY MHNDU FOR S.4.55 PROJECT NO. 14-081 DATED 18/8/21

1 Shadowing June 21st 9.00am
1 : 300



Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD, LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS
No. 157 - 159A MILITARY ROAD
DOVER HEIGHTS
CLIENT: C/: MHNDU

Shadowing June 21st 9.00am

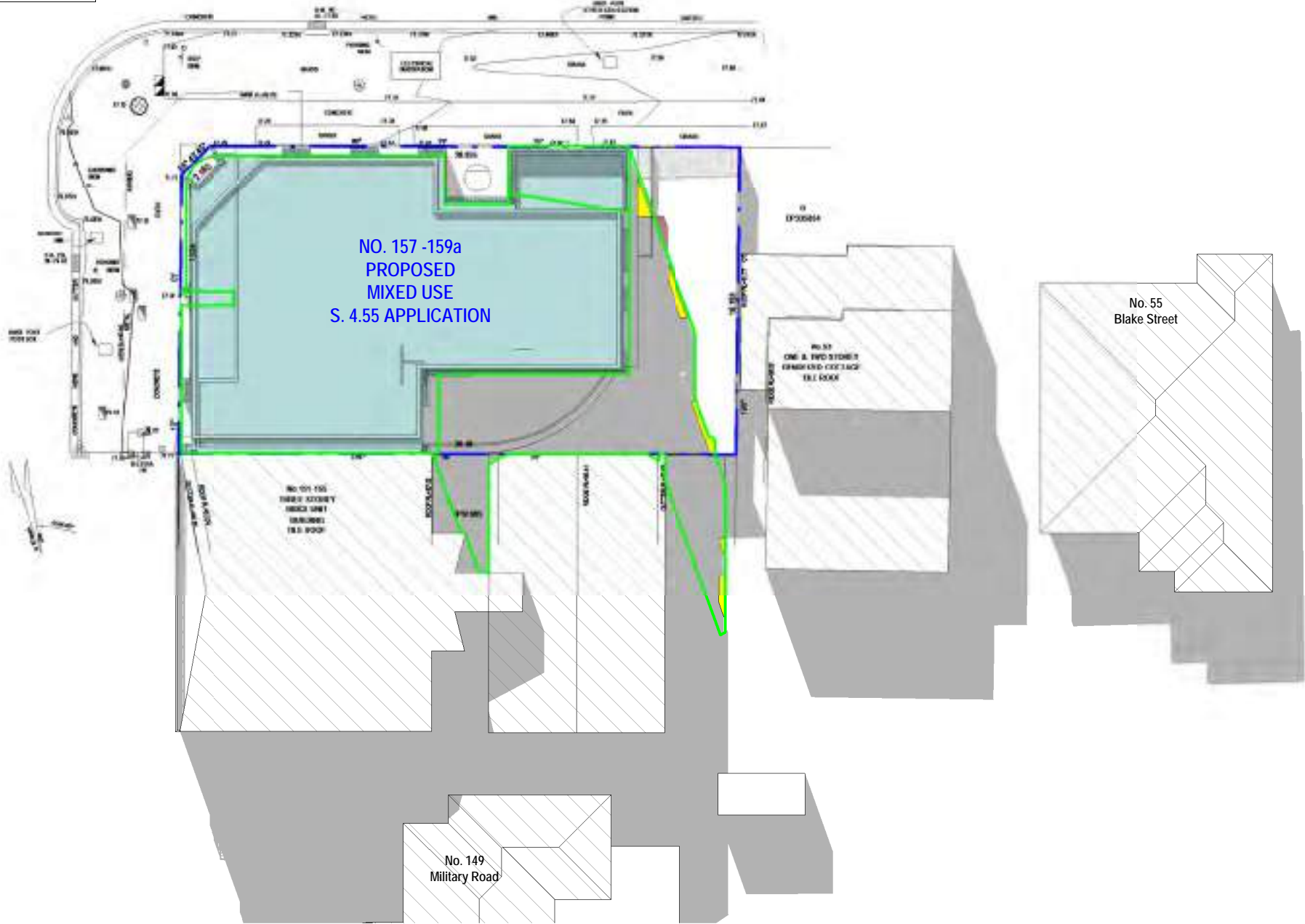
Project number	21-122	A100
Date	10-11-21	
Drawn by	KP	
Checked by	JD	
Scale		1 : 300

RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 11/11/2021

BLAKE STREET

ROAD

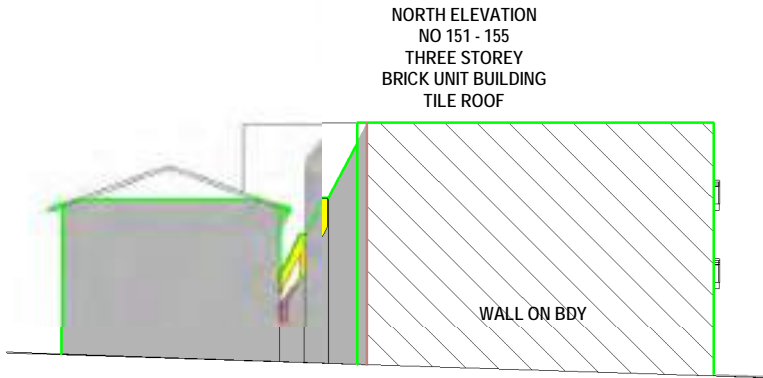
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1 Shadowing June 21st 12.00am
1 : 300

Cad Draft P/L

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No.	Description	Date

SHADOW DIAGRAMS
No. 157 - 159A MILITARY ROAD
DOVER HEIGHTS

CLIENT: C/: MHNDU

Shadowing June 21st 12.00pm

Project number	21-122	A101
Date	10-11-21	
Drawn by	KP	
Checked by	JD	Scale
		1 : 300

ROAD





MILITARY

BLAKE

STREET

RECEIVED
Waverley Council
Application No: DA-316/2015/D
Date Received: 11/11/2021

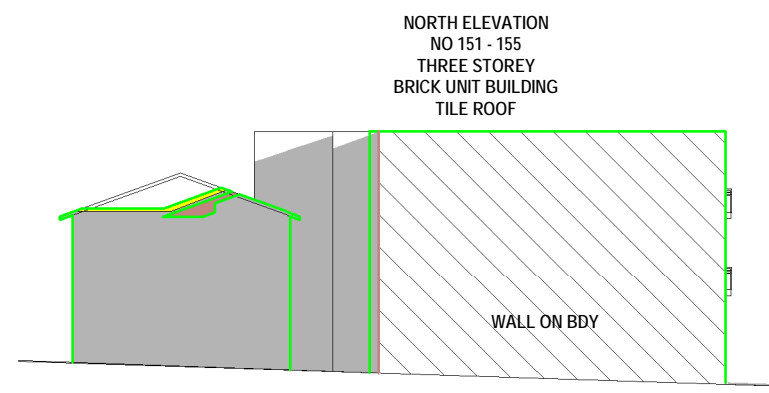
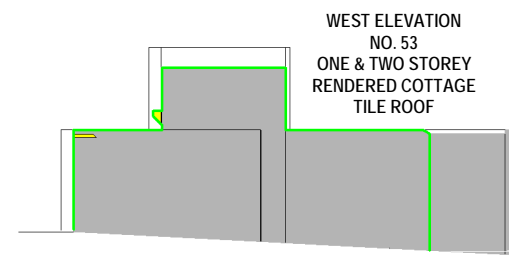
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1 Shadowing June 21st 3.00am
1 : 300



Cad Draft P/L
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SUITE 1, 505 BALMAIN ROAD,
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No.	Description	Date

SHADOW DIAGRAMS No. 157 - 159A MILITARY ROAD DOVER HEIGHTS CLIENT: C/: MHNDU	Shadowing June 21st 3.00pm		
	Project number	21-122	A102
	Date	10-11-21	
	Drawn by	KP	
	Checked by	JD	
		Scale	1 : 300



Report to the Waverley Local Planning Panel

Application number	DA-289/2021
Site address	50 Gilbert Street, Dover Heights
Proposal	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	29 July 2021
Owner	Proprietors of Strata Plan 5848
Applicant	BJB Architects Pty Ltd
Submissions	Nil
Cost of works	\$2,562,010
Principal Issues	<ul style="list-style-type: none"> • Height and FSR development standards breach; • Stormwater Management
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 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 Heights.

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

- Height and floor space ratio (FSR) development standards breach
- Stormwater Management in regards to location of a Council pipe
- Side setback
- Maximum wall height

The assessment finds these issues acceptable as the design of the development has successfully managed to preserve the amenity of the surrounding properties through reasonable shadowing, no adverse visual privacy or view impacts. The height breach is limited to the front of the site at the roof terrace, and it is considered that the proposal is compatible with the surrounding bulk, scale, streetscape and character of the locality. The development has been designed to increase the side setback at the first floor, maintaining solar access throughout the day to the first floor windows located on the northern elevation of 52 Gilbert Street. Amended Stormwater Plans and Architectural Plans have addressed the issues raised by Council's Stormwater Engineer and the building has been appropriately designed in relation to the Council pipe running the length of the northern boundary.

No submissions were received during the assessment of this application.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 23 August 2021.

The site is identified as SP 5848, known as 50 Gilbert Street, Dover Heights and is located at 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 Council sewage pipe runs along the length of the northern boundary

The site is 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: Westerly view of the rear façade of the subject site.



Figure 6: Easterly view of the front façade of 52 Gilbert Street, the neighbouring dual occupancy located to the south.

1.3. Relevant Development History

A search of Council's records revealed there are no recent or relevant development history for the site.

Neighbouring site at 52 Gilbert St, Dover Heights (DA-397/2012) – Construction of a two storey dual occupancy with basement garage and storage approved on 13 February 2013.

1.4. Proposal

The development application, as amended, seeks consent for demolition of all the structures on site including the existing dual occupancy, shed and rear terrace area and the construction of a three storey attached dual occupancy and Strata subdivision creating two lots, each with a Gilbert Street physical address.

For the purposes of this assessment report, the northern half of the building is referred to as 'Dwelling A' and the southern half of the building is referred to as 'Dwelling B'.

Each dwelling includes:

Lower Ground Floor

- Garage for two cars with at-grade entry access;
- Pedestrian entry;
- Plant room, store and service room;
- Storage below the stair; and
- Stair and lift access to all levels above.

Ground- Floor

- Living room with direct access to the front balcony with garden bed;
- Open-plan kitchen, dining and lounge with fireplace; and
- Powder room and laundry.

First Floor

- Master bedroom with ensuite, wardrobe and direct access to a front balcony;
- Bathroom;
- Two x Bedrooms with robe; and
- Bedroom with robe and access to a rear balcony with a garden bed that wraps to the side façade.

Roof- Floor

- Roof terrace accessed via stairs to a glazed roof hatched;

External

- One vehicle crossing splitting into two driveways;
- Retain the existing palm tree in the north western corner;
- Terrace with BBQ at the rear;
- Grassed rear yard and additional landscaping; and
- Swimming pool at the rear yard and pool pump enclosure.



Figure 7: Photomontage of the proposed dual occupancy development.

1.5. Background

The development application was lodged on 29 July 2021 and deferred on 22 September 2021 for the following reasons:

1. The maximum building height and FSR breaches were not supported;
2. Overshadowing impacts;

3. Stormwater issues regarding a Waverley Council sewage pipe running along the northern side boundary;
4. Visual privacy issues regarding the proposed window location and front ground floor balcony size; and
5. Tree Management of preserving the front palm tree and additional landscaping within the front setback.

Amended plans and additional information were lodged on 4 and 18 November 2021, changing the following:

- Reducing the overall height by 0.45m and the gross floor area (GFA) by 2.2m²;
- Amending the Clause 4.6 variation reports for the height and FSR development standards;
- Increase the northern side setback by 0.05m to ensure a 1.26m setback is achieved from the Council pipe and the proposed excavation over the pipe has been reduced so the ground level is kept closer to the existing levels;
- Removing the roof terrace planter boxes and identify the glazed roof hatch to access the roof;
- Additional Solar Eye Diagrams comparing the permissible building envelope to the proposed building at 9am, 9.15am and 9.30am; and
- Redesign of the landscaping, preserving the front palm tree and adding landscaped area to the front setback.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	The application seeks Strata subdivision of the two dwellings.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 Low Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal is for a maximum height of 9.65m, representing a variation of 1.15m (13.53%) from the numerical height standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1 (GFA of 365.8m ²) (Site area: 731.6m ²)	No	The proposed dual occupancy will provide a GFA of 395m ² , consequently having an FSR of 0.54:1, which represents a 7.98% variation to the FSR development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The 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. These minor earthworks are not anticipated to adversely impact upon the surrounds and are acceptable in this regard.

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

Height Variation

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 or minimum height of building development standard of 8.5m. The proposed development has a maximum height of 9.65, exceeding the standard by 1.15m equating to a 13.53% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal complies with the development standard's objectives and the R2 Low Density Residential zone, indicated in the assessment in Table 1. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest, given it achieves the objectives for development within the zone, notwithstanding non-compliance.*
 - (ii) *The proposed height non-compliance is related to the upper slab and roof terrace glazed balustrades that protrude above the height limit. Due to its stepped built form to the northern, southern and western elevations and lightweight nature of the additional element, it does not represent an unreasonable or detrimental bulk to the building. It is reiterated that the additional bulk is not a constant element and that majority of the building is well below the maximum height limit. As demonstrated on the submitted elevations and section, the non-compliant height varies from 0.15m height related to the roof slab of the first floor level, 0.415m associated with the rear part of the upper level balustrade, and the maximum height variation of 1.15m, which represents the worst scenario, confined to the centre of the building and related to the glazed balustrades of the roof terrace. Furthermore, the proposed high-quality landscaping, which includes a mix of ground shrubs and trees within the front setback, contributes to an effective visual buffer between the front of the built form and the streetscape and neighbouring properties.*

- (iii) *It is acknowledged that the height variation occurs towards the front (west) due to the slope of the site from the rear down to the street frontage. The visual impact of the maximum height is offset by the stepped nature of the built form at the front, whereby the upper level is recessed from the levels below to the north, south and west sides, whilst being substantially distant from the rear building line and boundary, as shown on Figures 2 to 5 above and the accompanying architectural plans. The proposed built form is setback to a greater degree than required by the DCP and when compared to the surrounding dwellings. Notably, the rear half of the building, along the eastern side, has a compliant height, being well below the building height standard.*
- (iv) *Notwithstanding the numeric departure, the proposed dual occupancy will have a height, bulk and scale which are considered appropriate for the land, whilst presenting a consistent built form with surrounding properties. It is demonstrated on the accompanying architectural drawings and 2-3 storey building presentation that the proposed height variation will not be responsible for any inconsistency with the adjoining properties and the streetscape whilst not generating any detrimental adverse impacts. Importantly, the proposal will achieve a maximum roof ridge of RL52.60m, which is below that of the existing development (RL53.69m).*
- (v) *With regard to the visual bulk and scale of the development, the additional height is not related to an increase of the proposed FSR and mass of the building as the protrusion above the height control are limited to the roof slab and roof terrace glazed balustrades, and does not result in additional gross floor area or any unreasonable adverse impact to surrounding buildings and public domain.*
- (vi) *The height variation has been well integrated into the high-quality and articulated design aesthetic of the built form, which has a pleasant contemporary architectural style and will positively contribute to the streetscape of the locality. Importantly, the proposal is consistent with the bulk and 2-3 storey scale of development that is promoted by the zoning. The photomontage below shows that the proposed dual occupancy houses will improve the visual appearance of the site.*
- (vii) *The protrusion above the height controls is well recessed from the boundaries, being the highest point approximately 13.30m to the front boundary and 3.08m from the side boundaries), whilst having substantial separation distance from the rear boundary. It is reiterated that the proposed flat roof form achieves a suitable design that reasonably minimises visual bulk impacts from surrounding neighbours. The maximum non-compliant height proposed will not be perceptible from the streetscape and surrounding properties due to the substantial separation distance and screening vegetation on the lower-ground floor, as demonstrated in the accompanying drawings. Notably, the maximum height perceived from the streetscape is 0.15m above the permissible building height for the subject site, which achieves 8.65m height.*
- (viii) *Compliant front, side and rear setbacks, combined with the centralised location of the highest part of the dwellings, ensure that the proposed height of the building which exceeds the 8.5m height standard, will be discreetly perceived from neighbouring properties and public domain.*

In this context, the height variation will not be responsible for any unreasonable bulk or scale impacts.

- (ix) The proposed built form includes realistic floor to ceiling heights that can provide a desirable internal amenity level without being responsible for the height noncompliance. The proposed ceiling heights provide a suitable amenity level for the residences, allowing for 2.7m ceiling height for the ground level, 2.6m for the first level and a maximum of 2.55m on the lower ground level. The proposed ceiling heights are considered modest and appropriate for the dual occupancy considering the lot's orientation.*
- (x) The Shadow Diagrams demonstrate that due to the site orientation (west/east), the attached character of the dual occupancy and the adjoining property to the north at No. 48 Gilbert St, the site presents existing adversities to retain solar access. Nevertheless, the proposed additional shadows are not considered unreasonable and substantially beyond those that would be generated by a fully compliant building envelope, considering that the additional shadows to the POS of the southern neighbour are resulted from the rear of the building which is well below the maximum height allowed, whilst the shadows generated by the breach of height to the front of the dwellings lie down on public domain. Given that the subject site lies to the north of the adjoining property at No. 52 Gilbert St, such retention of solar access is considered to be admirable. On this basis, the proposed height variation is not considered to generate any adverse or unreasonable shadow impacts.*
- (xi) Appropriate rear and side setbacks ensure adequate solar access to the adjoining southern property. The proposed siting of the building and consequent central location of the maximum roof height protrusion has been designed to retain the ability of the adjacent property to enjoy adequate sunlight to the POS between 9am and 3pm. It is reiterated that the proposed balustrades are of glass, and the proposal does not cause any overshadowing to the northern, eastern and western neighbours, thereby complying with the DCP provisions for solar access to neighbouring properties. This confirms that the proposed height variation is not responsible for any unreasonable shadow impacts and that the proposed architectural design has been managed to mitigate shadow impacts.*
- (xii) The proposal includes providing a high-quality landscape design that includes a mix of ground shrubs and trees within deep soil and planter boxes, contributing to an effective visual buffer between the proposed dual occupancy and the public domain along Gilbert Street. Among the new plantings provided, 2 trees are located within the front setback (to the corners of the site), capable of reaching a mature height of at least 5m, working as a visual screening barrier to the roof terrace. The proposed landscaping is considered to achieve a desirable degree of softening of the built form.*
- (xiii) The proposed contemporary attached dual occupancy has been designed and sited to enable a sharing of the iconic views and vistas to the Sydney Harbour and Harbour Bridge with surrounding dwellings. The elevated nature of the topography, which substantially steps up at the rear of the site, combined with a built form that is consistent with the side's extension of the existing building, whilst achieving a maximum roof ridge (RL52.60m) below than that of the existing development (RL53.69m), ensures the views from the eastern properties to the*

harbour are maintained. The proposed glazed balustrades will not be responsible for view impacts to neighbouring properties.

- (xiv) It is reiterated that, at the rear of the building, the proposed envelope is well below the maximum height allowed (as shown on the east elevation – Figure 4) and the stepped built form to the northern and southern elevations is an adequate architectural response to minimise view sharing impacts to the eastern neighbours that look over the top of the proposed new dwellings.
- (xv) It is considered that the proposed height variation will not be responsible for any adverse or unreasonable visual or acoustic privacy impacts noting that the proposed front and side setbacks are greater than that required by the DCP and those from the adjoining residences (the roof terrace is located 13.30m from the front boundary and 3.08m from the side boundaries), whilst having substantial separation distance from the rear boundary. The height variation is limited to a portion of the upper storey roof slab and roof terrace glazed balustrades. The recessed first floor level and roof terrace from the front and side boundaries, combined with the delineating non-accessible roof area, which limit the rooftop with appropriate distance from the adjacent dwellings and street views, effectively mitigates potential visual and acoustic privacy impacts. The proposed roof terraces are provided for casual and infrequent activities, being the main private open space located on the ground floor level and to the rear of the property. Detrimental noise and external lighting impacts are not expected due to the appropriate residential nature of the proposal. On this basis, the proposed height variation is not considered to generate any unreasonable privacy impacts.
- (xvi) The height variation is well integrated into the high-quality, articulated design of the proposal, which recess from the perimeter of the building and surrounding properties, ensuring that the built form will contribute positively to the locality. Compliance with the height development standard would preclude the dwelling of achieving higher level of private amenity with no unreasonable adverse impacts to neighbouring properties and public domain in regard to view sharing, solar access, visual and acoustic privacy, bulk, mass and scale. The proposal is considered to achieve better outcome than surrounding developments and is compatible with the context.



Figure 8: Northern elevation of the proposal showing the height breach in yellow.



Figure 9: Southern elevation of the proposal showing the height breach in yellow.



Figure 10: Front façade of the proposal facing Gilbert Street with the height breach shown in yellow.

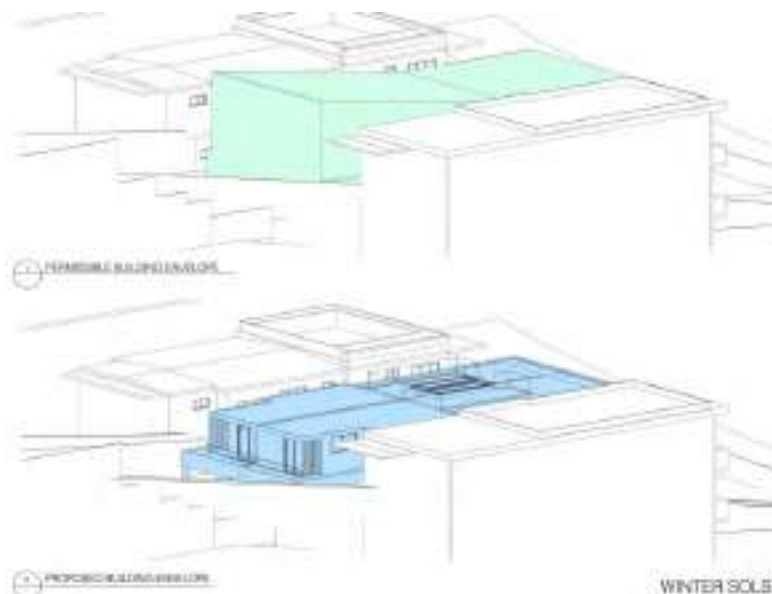


Figure 11: Solar Eyes Diagram at 9am showing the difference between a complying building envelop and the proposed building.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The assessment under the unreasonable and unnecessary section of this Clause 4.6 variation demonstrates that there are sufficient environmental planning grounds to justify varying the building height development standard in this instance. The aspect of the proposed development that contravenes the development standard is identified in the excerpt of the elevations in Figures 8-10 in this request.*
 - (ii) *The 2-3-storey built form is considered suitable for the site and consistent with the bulk and scale of development promoted by the zoning. Notably, the height, bulk and scale proposed are compatible with adjoining residences. In this regard, it is reiterated that the proposed height variation is not responsible for any streetscape, overshadowing, privacy, view, or visual bulk impacts.*
 - (iii) *The site's sloping nature is also considered to contribute to the height variation, noting that the built form to the rear of the property is well below the maximum height permissible for the site. Based on the above assessment, it is considered that there are sufficient environmental planning grounds to permit the height variation in this instance.*

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

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

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

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

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

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

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

The applicant specifically relies upon justification (a), (b) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written request argues that the proposal complies with the objectives in both the height of building development standard and the R2 Low Density Residential zone and therefore is in the public interest. There are sufficient environmental planning grounds to justify contravening the development standard as the dual occupancy has preserved the amenity of the surrounding properties through maintaining solar access to all of the northern facing windows on the first floor of 52 Gilbert Street and maintains three hours of solar access to private open space. The proposed bulk and scale are similar to the adjoining properties, which also present to Gilbert Street as three storey buildings with roof top terraces at the front of the site to maximise city views. The proposed development is designed similarly to the adjoining dual occupancy at 52 Gilbert St, which was approved 13 February 2013, being over the 8.5m height limit at 8.7m and breaching the FSR for the site.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed height non-compliance is related to the upper slab and roof terrace glazed balustrades that protrude above the height limit. Despite the height non-compliance, the development has been able to demonstrate that it preserves the amenity of the surrounding properties, by maintaining solar access to neighbour's first floor windows on the northern elevation at 52 Gilbert Street by setting the first floor 1.5m back from the shared side boundaries and using a clear glass balustrade surrounding the roof terrace. The windows towards the rear of the site wouldn't receive solar access through a compliant building envelope design but the building design allows sunlight throughout the year. Strict compliance with the development standard would require pushing the bulk of the building to the east of the lot, resulting in either substantial excavation or a more elevated building. This would not serve benefit to the neighbours and would have additional visual impact and overshadow neighbouring private open spaces.

The written response has successfully justified and demonstrated in the Architectural Plans that the city and harbour views from the properties directly behind the subject site to the east along Portland Street are maintained. Visual and acoustic privacy is preserved to surrounding sites through privacy screens off balconies, windows with high sills and frosted glass windows.

Is the development in the public interest?

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

The relevant objectives of the height 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 applicant states the proposed height is consistent with the objectives of the height development standard and will not result in unreasonable impacts. Council agrees that the relevant objectives of the standard are achieved through the design meeting a better planning outcome and preserving the amenity of surrounding properties. The shadow diagrams have clearly demonstrated the extent of the additional shadow caused by the proposed building and have compared it to a compliant building envelope which would result in the loss of solar access to some adjoining second floor windows on 52 Gilbert Street throughout the day. As amended, the height non-compliance preserves the amenity of the neighbouring sites, therefore this variation can be supported.

While the subject site's roof and terrace sit lower than both the neighbouring sites, it is cohesive with the existing streetscape, neighbouring bulk and scale to 48 and 52 Gilbert Street. The height variation therefore preserves the visual privacy impacts and is compatible with the height, bulk and scale of the desired future character of the locality and is therefore supported.

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 is consistent with the objectives of the zone.

Conclusion

For the reasons provided above the requested variation to the height 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 height standard and the R2 Low Density Residential Zone.

FSR Variation

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 0.5:1 (GFA of 365.8m²). The proposed development has a FSR of 0.54:1 (GFA 394m²), exceeding the standard by 28.2m² equating to a 7.97% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal complies with the objectives of the development standard and the R2 Low-Density Residential zone, indicated in the assessment in Table 1 below. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest, given it is consistent with the objectives for the development within the zone.*
 - (ii) *The proposed height, bulk, scale and siting of the development is compatible and consistent with both adjoining properties on either side of the subject site. The proposed building envelope, which contains ground-level garaging with 2 residential levels above, is entirely consistent with the scale of development either side. The proposed front, side and rear setbacks establish a building footprint which is also consistent and compatible with both adjoining neighbours. On this basis, the proposed excess FSR does not generate any inconsistency or incompatibility with the immediately adjoining context. It is also noted that the subject built form incorporates greater side setbacks and articulation than that on the adjoining properties, which confirms that there would be no sound planning justification to require compliance in this instance. The following 3D perspective confirms the compatible nature of the proposed built form in the established streetscape character.*
 - (iii) *The proposal is compliant with the established front building alignment whilst providing alternative side setbacks. Although they do not comply with the DCP controls for the whole building, they suit the built form and the achieved height that follows the slope of the site. The proposal outperforms the side setbacks controls in some sections, whilst providing an extensive separation from the rear boundary, as shown in the images below. Therefore, the proposed*

additional floor space does not preclude the development from achieving a good level of building separation, solar access, landscaping, privacy, and natural lighting and ventilation for the new dwellings and adjoining properties. The wall height variation towards the front of the site does not generate any adverse visual bulk or streetscape impacts noting the compatible relationship of the height and built form with both adjoining neighbours.

- (iv) Despite the FSR deviation, the proposed height, bulk and scale of the development are not considered to dominate the subject site or streetscape. The proposed built form will preserve the amenity to neighbouring properties. The proposed built form has been carefully designed to avoid and mitigate any adverse impacts by providing indentations and recesses, lightweight architectural elements, like balconies, terraces and planter boxes. The proposed contemporary architectural design resulted in a well-articulated building capable of providing visual interest and reducing the built form's visual bulk when viewed from surrounding properties and public domain.*
- (v) Removal of the excess FSR is also deemed to be unnecessary given the compatible nature of the height, bulk and scale of the development with surrounding properties. In this regard, the proposed 2-3 storey scale dual occupancy are considered to sit comfortably within site and represent a better outcome in the area compared to the adjoining southern development at No. 52 Gilbert Street, which was approved with an FSR of 0.65:1.*
- (vi) The primary orientations for both adjoining neighbours is to the west (towards CBD and harbour views) and to the east/rear towards extensive landscaped rear yards which also have an outlook to the sandstone cliff which runs along the eastern side of these properties. Side-facing windows on both adjoining properties are secondary windows with many being highlight or opaque glazing. The proposed built form also consists of blank walls to the northern and southern elevations. On this basis, there is minimal outlook from both adjoining properties to the proposed built form, which includes the FSR variation. On this basis, the FSR variation does not generate any adverse or unreasonable visual bulk impacts to either adjoining neighbour.*
- (vii) The relationship of the built form with the elevated rear neighbours addressed to Portland Street to the east is such that the eastern neighbouring dwellings are sited considerably higher than the subject site. The elevated nature of the properties to the east results in the built form on the subject and adjoining sites having a minimal presence as the dwellings to the east look west out and over the subject and adjoining properties. This is evident from view analysis associated with development applications for properties addressed to Gilbert Street. On this basis, the excess FSR is indiscernible from the neighbouring properties to the east.*
- (viii) Notwithstanding the numeric departure, the lack of external impacts and consistency with the scale of the built form in the surrounding area confirms that the intensity of development is appropriate for the site and conforms with existing and emerging residential developments in the locality.*
- (ix) The proposed contemporary attached dual occupancy has been designed and sited to enable a sharing of the iconic views and vistas to the Sydney Harbour and Harbour Bridge with surrounding dwellings. The elevated nature of the topography, which substantially steps up at*

the rear of the site, combined with a built form that is consistent with the side's extension of the existing building, given the proposed compliant bulk and scale, 2-3 storey built form and greater setbacks that provide adequate separation distance between the proposed development and neighbouring properties. There are no view sharing impacts associated with the proposed development.

- (x) The following Shadow Diagrams demonstrate that due to the site orientation (west-east), the attached character of the dual occupancy and the adjoining property to the north at No. 48 Gilbert St, the site presents existing adversities to retain solar access. Nevertheless, the proposed additional shadows are not considered unreasonable and substantially beyond those that would be generated by a fully compliant building envelope. As demonstrated on the accompanying shadow diagrams, the subject site and adjoining properties will continue to receive more than 3 hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access. Additionally, the proposed siting of the building has been designed to retain the ability of the adjoining southern property to enjoy adequate sunlight between 9am and 3pm. Given that the subject site lies to the north of the adjoining property at No. 52 Gilbert St, such retention of solar access is considered to be admirable. On this basis, the proposed FSR variation is not considered to generate any adverse or unreasonable shadow impacts beyond that of a compliant FSR.*
- (xi) The proposed additional FSR does not generate any unreasonable privacy impacts. The proposed works have been carefully designed and sited to avoid and minimise visual and acoustic privacy impacts between the subject dwellings and the adjoining properties. The proposal has considered the location of works, the layout configuration and building elements. Appropriate setbacks proposed, particularly from the northern and southern boundaries, ensure adequate separation distance from the adjoining properties. The primary openings of the habitable rooms are towards the frontage and rear of the residences, minimising cross-viewing with neighbours. The proposed balconies are limited in size and appropriately screened, including the rooftop terrace, which has compliant size and smaller extension compared to neighbouring residences. The ground floor private open space and recreational areas will be adequately screened by 1.8m high fencing, which, combined with substantial separation distance from the neighbour's rear building line, ensure that there are no adverse or unreasonable visual or acoustic privacy impacts to eastern neighbouring dwellings.*
- (xii) The excess FSR is associated with the provision of an articulated and functional built form and layout with well-sized open plan living, kitchen, and lounge spaces. The front and rear orientation of the family rooms and balconies, combined with the siting of the residences on the site and the limited side openings, ensures adequate visual and acoustic amenities are maintained within the proposed dwellings and adjacent neighbours.*
- (xiii) Removal of the excess FSR from these sites (approximately 28.2m², being 14.1m² per dwelling) would only serve to reduce the internal amenity of the dwellings and the extent of bedroom accommodation, which maximises the housing choice to meet the needs of diverse household types.*

- (xiv) *It would be unreasonable and unnecessary to remove the excess FSR, given that the proposal has a site coverage that allows for an outperformance of private open space, open areas and landscape area, which exceeds the requirements within the DCP.*
- (xv) *There are no internal amenity grounds that would determine that the additional FSR should not be granted. The internal performance of the attached dual occupancy is high, reiterating that the proposal meets all DCP requirements.*
- (xvi) *It is considered that an environmental benefit has been achieved from the replacement of an existing dual occupancy with poor amenity, with two dwellings that achieve high internal amenity without compromising the amenity of neighbouring properties. The combination of the internal and external amenity factors demonstrates that there are sufficient environmental grounds to permit the FSR variation in this instance.*
- (xvii) *The proposal complies with the objectives of the development standard and the R2 Low-Density Residential zone, indicated in the assessment in Table 1 above. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest, given it is consistent with the objectives for the development within the zone.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *No unacceptable adverse impacts on neighbouring developments or the streetscape, given that the proposal will not result in any significant overshadowing, visual or acoustic privacy impacts, visual bulk and scale impacts, or view loss beyond those which a compliant FSR would generate.*
 - (ii) *The proposed FSR variation is provided within a compliant built form as the proposed FSR is distributed within a footprint and envelope achieving greater setbacks. The resultant built form that will present to the public domain and when viewed from neighbouring properties will be consistent with that anticipated by the controls. On this basis, the desired future character is able to be met, notwithstanding the FSR variation. The proposed FSR will thereby appear as a compliant development which would render the FSR variation to be indiscernible. The articulated nature of the built form and architectural and landscape elements to the façade further contribute to this environmental ground.*
 - (iii) *The proposed non-compliant FSR is not associated with a development that could be considered to be an overdevelopment of the site. It is noted by the outperformance of open area, which achieves 64.5% (472.5m²) of the total site area, being greater than the required 40% (292.64m²), and the private open space, which achieves 73.7m² per dwelling, whilst the minimum required is 25m². The proposed landscape area also outperforms the requirement, achieving 29% (209m²), being more than 90% greater than the 15% required.*
 - (iv) *Provision of a high level of internal amenity as demonstrated by generous bedroom and family room sizes, solar access, cross-ventilation, and the proposed POS with associate landscaping and swimming pool, plus the provision of adequate parking facilities that comply with the DCP controls.*

- (v) *The positive streetscape and landscape outcomes associated with the proposed development, the high internal and external amenity, the high-quality contemporary style residential development combined with a lack of additional internal or external impacts, confirms there is no sound planning justification to reduce the proposed FSR.*
- (vi) *The relationship of the built form with the elevated rear neighbours addressed to Portland Street to the east is such that the eastern neighbouring dwellings are sited considerably higher than the subject site. The elevated nature of the properties to the east results in the built form on the subject and adjoining sites having a minimal presence as the dwellings to the east look west out and over the subject and adjoining properties. This is evident from view analysis associated with development applications for properties addressed to Gilbert Street. On this basis, the excess FSR is indiscernible from the neighbouring properties to the east.*

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), (b) and (d), outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written response argues that if the proposal were to comply with the FSR standard, the dual occupancy would still present similarly to Gilbert Street and achieves the objectives of the standard with the proposed form. The articulated nature of the built form and architectural and landscape elements to the façade further contribute to this environmental ground.

The proposal provides an appropriate correlation between the building height and density control and is consistent with the desired future character of the locality, notwithstanding the FSR variation. The applicant has argued that the removal of the excess FSR would be considered unnecessary given the compatible nature of the height, bulk and scale of the development with surrounding properties. In this regard, the proposed 2-3 storey scale dual occupancy is considered to sit comfortably within site and represent a better outcome in the area compared to the adjoining southern development at No. 52 Gilbert Street, which was approved with an FSR of 0.65:1.

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 through demonstrating that the development does not result in significant impacts to the locality or the amenity of neighbouring properties. The front half of the building is over the height limit and therefore requires a 1.5m side setback to comply with the DCP. However, the applicant has provided a comparison between a compliant building envelope and the proposed development which achieves a better planning outcome lessening the overshadowing on 52 Gilbert Street and maintaining solar access to the second floor windows along the northern elevation. There are no unacceptable adverse impacts on neighbouring developments or the streetscape, given that the proposal will not result in any significant overshadowing, visual or acoustic privacy impacts, visual bulk and scale impacts, or view loss beyond those which a compliant FSR would generate. The development appropriately addresses the streetscape through achieving the predominant front setbacks at each floor and preserving significant landscaping within the front yard.

Is the development in the public interest?

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

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

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

Comment: An appropriate correlation of height and density has been achieved. The development results in a three storey dwelling, which does respect the streetscape and preserves the amenity of the surrounding properties. The subject site is compatible with the surrounding bulk, scale, streetscape and character of the locality. While the subject site does have a significant slope across the lot, the development has been design to step in with the existing ground floor, achieving a suitable planning outcome.

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 is not inconsistent with the objectives of the zone.

Conclusion

For the reasons provided above the requested variation to the FSR is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR 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.
3. Landscaping and Biodiversity	Yes	<i>See comments below.</i>
5. Vegetation Preservation	Yes	<i>See comments below.</i>
6. Stormwater	No	Unsatisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport Minimum parking rate: • 0 Maximum parking rate:	Yes	The proposal provides for two new car spaces for each dwelling which each have four bedrooms and is therefore compliant. Its design and location are satisfactory. The single driveway is maintained off Gilbert Street and divides into two driveways to access the lower ground garage.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 		
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Merit Assessment	<p>A maximum 9.1m wall height is proposed on the southern elevation, which is due to the significant slope of the site. Both the neighbouring dwellings have non-complying wall heights and present to the street with the same bulk and scale, which is considered acceptable on merit.</p> <p>The breach is limited to the front section and does not result in any adverse amenity impacts to surrounding properties with regards to view loss and privacy.</p>
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The proposed development has been sited to align between the northern and southern adjoining dwellings 48 and 52 Gilbert Street. The front and rear predominant building lines at each floor is compliant. This is considered to result in an appropriate and cohesive streetscape presentation and acceptable amenity impacts for the subject site and surrounding rear private open space.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.2m (height non-compliant 2 storey dwelling) or 1.5m (up to 12.5m) 	Partial	<p>The proposed building has a minimum side setback of 1.26m at lower ground and ground floor and increases to 2.4m in sections. The front half of the building has a 9.5m height and therefore requires a 1.5m setback. This non-compliance is considered acceptable as it does not result in adverse amenity impacts and presents a similar bulk and scale to Gilbert Street as the neighbouring developments. The adjoining dual occupancy has the same side setback and is over the height limit.</p> <p>Rear portion of the house complies with the 1.2m side setback because it is 8.5m in height.</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. 	<p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>It is considered that the proposed contemporary development appropriately responds to the topography of the site and maintains a three storey appearance to the Gilbert Street frontage. Similar bulk, scale, height and side setbacks are proposed compared with 48 and 52 Gilbert Street.</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 floor. The development is considered to be compatible with development in the surrounding streetscape context.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p>	<p>A 0.5m high planter is proposed along the front western boundary which is acceptable.</p> <p>A 1.8m high boundary fence is proposed along each side boundary.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>Conditioned</p> <p>Yes</p> <p>Yes</p>	<p><u>Windows</u></p> <p>There are windows along both the northern and southern elevations at ground and first floor levels, many are limited to highlight windows (1.6m sill heights) and include frosted glass. One window off the living room on southern dwelling (Dwelling B), directly faces an existing window at 52 Gilbert St to a dining/living room and is recommended to be conditioned to be include frosted glass or privacy screens.</p> <p><u>Balconies</u></p> <ul style="list-style-type: none"> The ground floor front balconies off the living rooms each have a depth of 1.5m and an area of 7.2m² and are screened at either end. The first floor front balconies off the master bedroom have a depth of 1m and an area of 4.7m² and are screened at either end. The first floor rear balconies have a depth of 1.5m, an area of 6.1m² and have privacy screens either end. <p><u>Roof Terrace</u></p> <p>The roof terraces are considered to be acceptable as it is noted that there is a predominance of roof terraces in the locality, as identified at 48, 52 and</p>

Development Control	Compliance	Comment
		54 Gilbert Street. They will not result in significant visual, acoustic or privacy impacts, as they are appropriately setback from the roof edge and are of a compliant size, in order to reduce the amount of people who can use this space (not exceeding 15m ²). It is also noted they are accessed via a hatch.
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	<i>See discussion below.</i>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>Yes</p>	<p>The applicant has demonstrated that there are no views from the public domain or from surrounding properties to be obstructed. The image below was taken from the rear highest point of the site which shows the existing city views. Properties located on Portland Street, directly west of the site are significantly higher than this point shown in Figure 12 and views will not be obstructed.</p>  <p>Figure 12: Westerly view across the subject site from the rear yard.</p>

Development Control	Compliance	Comment
2.8 Car parking		
2.8.1 Design Approach	Yes	Car parking is integrated within the overall development by being located under the dwellings, which is generally the precedent set by many contemporary dwellings on the eastern side of Gilbert Street and in Dover Heights.
<ul style="list-style-type: none"> Parking only allowed where site conditions permit 	Yes	Parking rates are compliant, as discussed earlier within this report.
<ul style="list-style-type: none"> Designed to complement the building and streetscape 	Yes	The existing driveway from Gilbert Street is maintained.
<ul style="list-style-type: none"> Car parking structures to be behind the front building line 	Yes	Each basement garage is of a compliant size to accommodate two vehicles. The roller door is 4.3m wide which allows sufficient space for one car at a time to enter and exit the basement.
<ul style="list-style-type: none"> Driveways are to be located to minimise the loss of on street parking 		
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	64.5% (472.5m ²) of the total site area is proposed to be open space.
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	29% (209m ²) of the total site area is proposed as landscaped area.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Each dwelling will have 73.7m ² of POS used for recreation at the rear yard
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	100% of the front setback is open.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	No	26.4% (23.1m ²) of deep landscape area is proposed within the front setback with the additional planter boxes on the ground floor and a Adbri Masonry Turfgrid coving the driveway to achieve the landscape area. This is considered acceptable as the overall landscape area is compliant and the adjoining front setback at 52 Gilbert Street doesn't meet 50% landscaping.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	Each swimming pool will be located to the rear of the dwellings and are setback 3.7m from the side boundaries. The two pools are setback 0.8m from each other but a 1.8m dividing fence is located between the pools.
<ul style="list-style-type: none"> Pool decks on side boundaries must consider visual privacy 	Yes	The pool equipment is located within the pool enclosure at the rear of the site.
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min 450m² attached dwellings 	Yes	The lot has an area of 731.6m ² , this is sufficient to support an attached dual occupancy.

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

Overshadowing

The proposal results in some additional overshadowing impacts to the adjoining property at 52 Gilbert Street during mid-winter, as follows:

- At 9am, overshadowing cast by the proposed development largely falls across Gilbert Street and over the northern elevation of 52 Gilbert Street. The amended proposal has reduced the side wall height, set part of the first floor 1.9m at the front of the building and deleted the roof planter so that the first floor windows along the northern elevation of 52 Gilbert Street maintain solar access.
- At 12 noon, overshadowing is cast upon the northern side elevation of the adjoining dwelling at 52 Gilbert Street. As demonstrated in the shadow diagrams and solar eye diagrams, the first floor windows maintain solar access. Additional shadowing also falls within the front and side setback of the subject site.
- At 3pm, the proposed development would continue to overshadow 52 Gilbert Street's northern elevation and additional shadowing to the rear private open space. The solar access to the first floor windows on the northern elevation of 52 Gilbert Street are preserved. The construction of any new development on the subject site is likely to reduce solar access received by the rear private open space of this adjoining property but 3 hours of solar access is maintained.

Given the above, the shadowing impacts to 52 Gilbert Street are considered acceptable throughout the day and will not result in adverse amenity impacts. The proposed additional shadows from the development is considered acceptable. A recommended condition of consent requires the glass balustrade surrounding the roof terrace to remain as clear glass to maintain sunlight to the neighbour.

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 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The overall height of building has been reduced; and
- Impacts on surrounding properties have improved.

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

The application was referred to Council's Traffic Engineer. The referral raised no objection to the proposal, subject to recommended conditions of consent regarding construction management.

3.2. Stormwater

The application was referred to Council's Stormwater Design and Flooding unit. The following issues were raised:

- Council's mapping system indicates that there is a Council owned pipe that traverses the property. In addition, there is drainage infrastructure within the road reserve of Gilbert Street in front of the property.
- An updated stormwater management plan has been submitted with the DA. The plans are concept only (as opposed to unsatisfactory) as sufficient information (for an application at DA stage) has been submitted.
- It's noted the applicant has revised the architectural drawings to reduce the variation from the natural ground level over Council's pipeline.
- There may be potential ponding within the frontage of the site that will need to be addressed as necessary.
- As per Council's Water Management Technical Manual (WMTM), Council will not approve the construction of any new structures (including habitable dwellings, eaves & balconies, garages, impervious fences, swimming pools and retaining walls) over an existing below ground drainage system or within the confines of an easement. While the stairs along the boundary are supported (subject to the creation of the deed of indemnity prior to the issuance of the occupation certificate), the roof structure located above the entry way of Dwelling A is not supported and is conditioned to be removed from the plans as no part of the building must overhang the pipe.

Conditions of consent are recommended to address these issues and are used in the notice of determination.

3.3. GIS

The application was referred to Council's Information Management & Technology Officer due to the proposed strata subdivision. The referral raised no objection to the proposal, subject to recommended conditions of consent regarding renumbering the dual occupancy development.

3.4. Tree Management

The application was referred to Council's Tree Management officer who supported the Landscape Plan and Architectural Plans including the preservation of the *Phoenix canariensis* (Canary Island Date Palm) located at the front of the property and the removal of one tree at the rear of the site. Recommended conditions of consent are included to preserve this tree.

4. CONCLUSION

The development application seeks consent for 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 Heights.

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

- Height and FSR development standards breach
- Stormwater Management in regards to a Council pipe
- Side setback
- Maximum wall height

The assessment finds these issues acceptable as the design of the proposal has successfully managed to preserve the amenity of the surrounding properties through reasonable shadowing, visual privacy and no view impacts. The height and FSR breaches present to Gilbert Street and the subject site is compatible with the surrounding bulk, scale, streetscape and character of the locality.

Amended Stormwater Plans and Architectural Plans addressed the issues raised by Council's Stormwater Engineer and have appropriately designed the building from the Council pipe running the lengthen of the northern boundary.

No submissions were received during the assessment period.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 23 November 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 23 November 2021	Date: 26 November 2021

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 Bjb Architect of Project No: 2021-006 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A1001, revision H	Site Plan	18/11/2021	18/11/2021
A1011, revision H	Demolition Plan	18/11/2021	18/11/2021
A1101, revision H	Lower Ground Floor Plan	18/11/2021	18/11/2021
A1102, revision H	Ground Floor Plan	18/11/2021	18/11/2021
A1103, revision H	First Floor Plan	18/11/2021	18/11/2021
A1104, revision H	Roof Plan	18/11/2021	18/11/2021
A1201, revision H	Section A	18/11/2021	18/11/2021
A1202, revision H	Section B	18/11/2021	18/11/2021
A1203, revision H	Section C	18/11/2021	18/11/2021
A1301, revision H	West Elevation	18/11/2021	18/11/2021
A1302, revision H	North Elevation	18/11/2021	18/11/2021
A1303, revision H	South Elevation	18/11/2021	18/11/2021
A1304, revision H	East Elevation	18/11/2021	18/11/2021

(b) Landscape Plan No. LPDA21-298/1, LPDA21-298/2, LPDA21-298/3, LPDA21-298/4, LPDA21-298/5, LPDA21-298/6 and documentation prepared by Conzept Landscape Architects, dated (19/10/2021) and received by Council on (22/10/2021);

(c) BASIX and NatHERs Certificates;

(d) Stormwater Details and documentation prepared by E2 Civil and Structural Design Pty Ltd, Job No. 21.197, Drawing No. SW1 (Revision A), SW2 (Revision A), SW3 (Revision A), SW4 (Revision B), SW5 (Revision A) & SW6 (Revision O), dated 18/10/2021, and received by Council on (22/10/2021);

(e) Draft Strata Plan prepared by Bjb Architect dated (10/06/2021) and received by Council on (29/07/2021);

(f) Schedule of external finishes and colours received by Council on (29/07/2021);

(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (29/07/2021);

(h) Geotechnical Investigation Report received by Council on (29/07/2021);

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The window off the living room on southern elevation to Dwelling B directly faces 52 Gilbert Street and must be installed with frosted glass or a privacy screen to a minimum height of 1.6m from finished floor level.
- (b) The eave located above the entry way of both dwellings is not approved and must be amended to achieve a 1.2m side setback. Please note that no part of the building is to be located within 1.2m of the Council Pipe. The architectural plans (all drawings i.e. plan views, elevations, sections etc.) are to be updated to denote the extent of the required drainage easement to ensure that there are no new fixed structures (e.g. habitable dwellings, eaves & balconies, garages, impervious fences, stairs, swimming pools and retaining walls) built over Council's below ground drainage system or within the confines of the required drainage 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.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. ROOF TERRACE GLASS BALUSTRADES

The glass balustrades surrounding the roof terraces must remain as clear glass to preserve the solar access to adjoining dwellings windows.

4. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

5. STRATA SUBDIVISION

This consent includes approval for a two (2) lot Strata subdivision of the dual occupancy proposed in the development.

A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the *Strata Schemes Development Act 2015*.

The allocated car parking and storage spaces, are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.

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

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

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

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

7. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

8. SECTION 7.12 CONTRIBUTION

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

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

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

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

- (iii) A development valued at \$200,001 or more will attract a levy of 1% of the 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.

9. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$ **51,240.20** (2% of the cost of works) must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

10. LONG SERVICE LEVY

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

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

11. SECURITY DEPOSIT FOR STORMWATER PIPE

As a Council owned stormwater pipe traverses the property, a deposit (cash or cheque) or guarantee for the amount of **\$20,000.00** must be provide to Council for any possible damages caused to Council's stormwater pipe as a consequence of the development works.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council's stormwater pipe as a result of the works will be refunded to the person who paid the deposit.

CONSTRUCTION MATTERS

12. HOARDING

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

13. EROSION & SEDIMENT CONTROL

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

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

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

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. ENGINEERING DETAILS

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

STORMWATER & FLOODING

16. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by E2 Civil and Structural Design Pty Ltd, Job No. 21.197, Drawing No. SW1 (Revision A), SW2 (Revision A), SW3 (Revision A), SW4 (Revision B), SW5 (Revision A) & SW6 (Revision 0), dated 18.10.2021 is considered concept only.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) The stormwater management plan, architectural drawings and other relevant documentation shall be revised as necessary to be consistent.
- b) You are advised that Council's records indicate an existing stormwater conduit owned by Waverley Council traverses the subject property. The applicant is required to engage a Registered Surveyor or a suitably qualified and practising professional to investigate the exact nature and location of the existing stormwater pipe (this shall include information such as pipe type, pipe size, obvert level, invert level, any necessary levels needed as part of this proposal) by pot holing or other means.

The existing conduit and any proposed easement are to be overlaid onto the stormwater management plan and resubmitted to Council. Detailed sections are to be provided to demonstrate that all structural support elements are located away from the zone of influence of the existing stormwater pipe. A Registered Structural Engineer is to provide certification certifying the aforementioned requirements.

- c) A longitudinal section of Council's existing stormwater conduit that traverses the subject property is to be provided. Details of the existing stormwater conduit such as existing natural surface levels, design surface levels, obvert levels and invert levels and the location, size and reduced level of any services to AHD shall be submitted.
- d) The plans shall provide a completed and detailed design of the On-Site Stormwater Detention (OSD) system(s) and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted. The OSD system(s) is to be designed for the 1% Annual Exceedance Probability (AEP) storm event.
- e) The building works appear to be located within the path of the natural runoff caused by the localised upstream catchment from the rear. Given that the site incorporates OSD, the engineer shall demonstrate that the water caused from the upstream catchment can be captured and redirected to the legal point of discharge via a swale and pipe or pit and pipe system along the boundaries. Calculations in relation to the upstream catchment and the proposed system shall be submitted to Council demonstrating that the proposed system has sufficient capacity to capture and discharge the 1% AEP storm event independent of the OSD system.
- f) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- g) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- h) Any underground basement shall be protected from possible inundation by surface waters from the street.
- i) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.
- j) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- k) A long section of any connection to Council's below ground drainage infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and

the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).

- l) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

17. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

18. BASIX

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

WASTE

19. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

LANDSCAPING & TREES

20. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

21. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

TRAFFIC MANAGEMENT

22. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

23. DILAPIDATION REPORT

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

24. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to doing any works, internal inspection of Council's stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed-Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review. No works on Council's stormwater infrastructure shall commence until given approval by Council.

25. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

26. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;

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

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

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

27. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

28. 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.

29. 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

30. CONSTRUCTION HOURS

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

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

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

31. 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.

32. CONSTRUCTION INSPECTIONS

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

33. CERTIFICATE OF SURVEY - LEVELS

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

34. 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.

35. WORK OUTSIDE PROPERTY BOUNDARY

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

36. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

37. TREE PROTECTION

All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

38. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighbouring properties require pruning then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

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

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

39. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, 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.

40. CERTIFICATION OF BASIX COMMITMENTS

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

41. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, any basement pump-out facility, any detention facility, any rainwater harvesting facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- b. A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management

Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

42. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

43. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the existing pipeline at least up to the next pit downstream of the proposed works. This is to ensure Council’s stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council’s Executive Manager, Infrastructure Services (or delegate).

The report shall be used by Council’s Executive Manager, Infrastructure Services (or delegate) to assess whether any rectification works will be required. The applicant shall obtain written approval from Council’s Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Occupation Certificate.

44. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of any pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

45. CREATION OF EASEMENT FOR DRAINAGE

An easement is to be created along the centreline of Council's stormwater line for the entire length of pipe within 50 Gilbert Street. It shall be offset 1200 mm off the centreline of the pipe in both directions. The easement is to be in favour of Waverley Council and is to be registered on the Certificate of Title of 50 Gilbert Street. The creation of easement and the registration of the easement to Certificate of Title is to be undertaken by the applicant at no cost to Council.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

46. CREATION OF A DEED OF INDEMNITY

A Deed of Indemnity shall be prepared and entered into between Council and the owner of the subject property for all approved structures erected over the Council stormwater drainage easement. The deed shall fully indemnify Council and their representative from all claims, demands and liability, which may arise in respect of the removal of structures and any necessary works associated with the structures that are erected within the proposed Council stormwater drainage easement. The deed shall specify that the owner shall bear all costs associated with these removals or other necessary works. All associated costs shall be borne by the applicant.

47. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

48. STREET NUMBERS

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

49. ALLOCATION OF STREET NUMBER

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

- 50 Gilbert street - primary address site

The following sub-addressing will apply:

- No. 50A Gilbert Street for the north allotment.
- No. 50B Gilbert Street for the south allotment.
- The premises number for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point for each lot and be clearly visible on the site boundary that fronts Gilbert Street.
- The address number for a sub-address site shall not consist of the primary address number on its own.
- Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.
- The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or address to be lodged with Council.

50. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

E. OPERATION AND SPECIAL CONDITIONS

51. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

F. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).

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

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. EXCAVATION TO BE LIMITED

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

AD5. TREE REMOVAL/PRESERVATION

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

AD6. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD7. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.


If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
 - (a) make the building/site safe and of an appearance acceptable to Council.
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

RECEIVED
Waverley Council
Application No: DA-289/2021
Date Received: 18/11/2021



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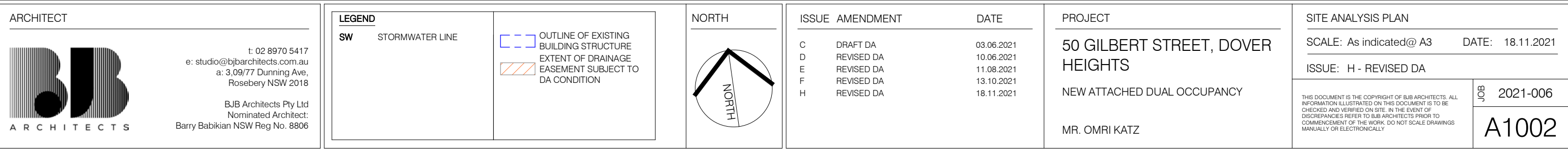
PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

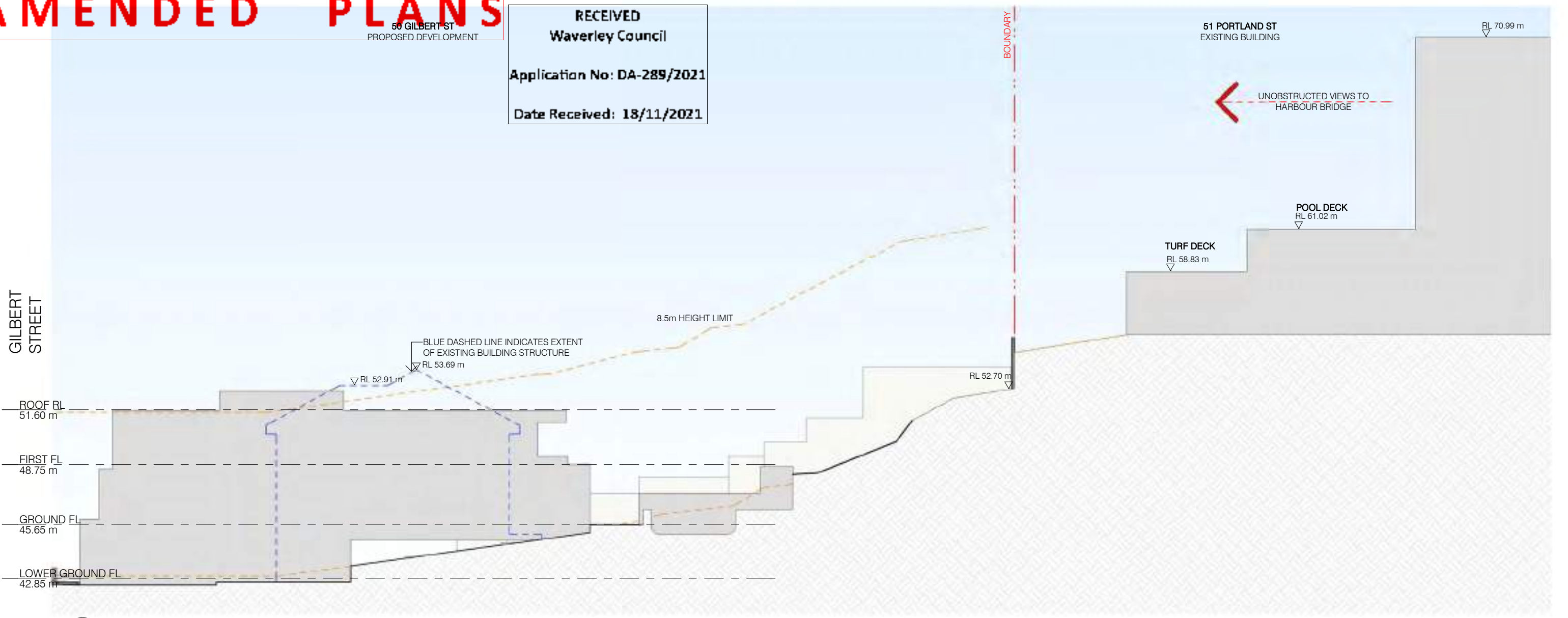
NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

Page 219 of 858



AMENDED PLANS

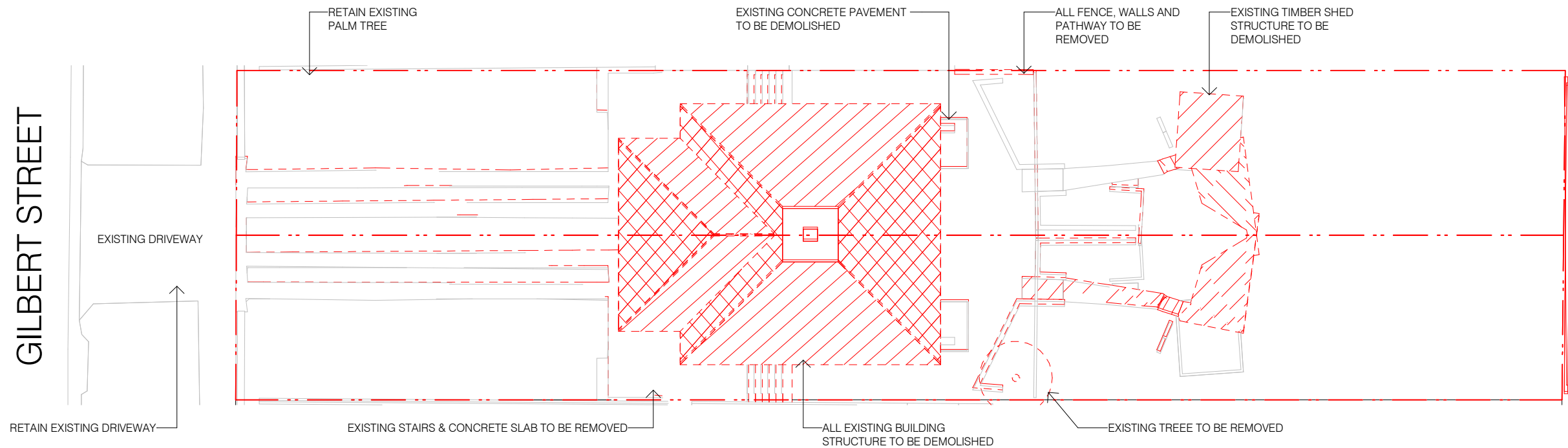


1 SECTION THROUGH SUBJECT SITE AND EASTERN NEIGHBOUR
1 : 200



ARCHITECT		ARTIFICIAL LIGHTING: BALUSTRADE HEIGHTS: DRAINAGE GUTTERS & DOWNPIPES: ENERGY EFFICIENCY GLAZING: FIRE SERVICES: HOT WATER: MASONRY: MECH / ELEC / HYDRAULIC: MECH. AIR CONDITIONING: MECH. EXHAUST VENTILATION: SMOKE ALARMS: PENETRATIONS: SOUND TRANSMISSION: STAIR CONSTRUCTION: WATERPROOFING OF WET AREAS:		TO COMPLY WITH BCA CLAUSE F4.4 & AS1680 TO COMPLY WITH BCA CLAUSE D2.16 TO COMPLY WITH AS/NZS 3500 3.2 TO COMPLY WITH BCA CLAUSE J2 & BASIX CERTIFICATE TO COMPLY WITH BCA SECTION E SYSTEMS TO COMPLY WITH BCA CLAUSE J7 & BASIX CERTIFICATE TO COMPLY WITH AS3700 TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005 TO COMPLY WITH BCA CLAUSE J5 & BASIX CERTIFICATE TO COMPLY WITH AS1668 & AS68.2 TO COMPLY WITH BCA CLAUSE AND SPECIFICATION E2.2 & AS3786 THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELEC/HYDRAULIC PENETRATIONS, TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005 TO COMPLY WITH BCA PART 5 TO COMPLY WITH BCA CLAUSE D2.13 TO COMPLY WITH AS3740		ISSUE AMENDMENT DATE		PROJECT		SITE ANALYSIS SECTION	
t: 02 8970 5417 e: studio@bjbarchitects.com.au a: 3,09/77 Dunning Ave, Rosebery NSW 2018						D REVISED DA 10.06.2021 E REVISED DA 11.08.2021 F REVISED DA 13.10.2021 H REVISED DA 18.11.2021		50 GILBERT STREET, DOVER HEIGHTS		SCALE: 1 : 200@ A3 DATE: 18.11.2021	
BJB Architects Pty Ltd Nominated Architect: Barry Babikian NSW Reg No. 8806								NEW ATTACHED DUAL OCCUPANCY		ISSUE: H - REVISED DA	
								MR. OMRI KATZ		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	
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Date Received: 18/11/2021



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.	E. THE GENERATION OF DUST AND NOISE ON SITE MUST BE CONTROLLED.
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.	F. THE SITE MUST BE SECURED TO PROHIBIT UNAUTHORISED ENTRY.
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.	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.
D. SANITARY DRAINAGE, STORMWATER DRAINAGE, WATER, ELECTRICITY AND TELECOMMUNICATIONS MUST BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPONSIBLE AUTHORITIES.	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..

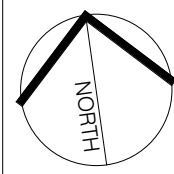
ARCHITECT



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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

NORTH



ISSUE	AMENDMENT	DATE
C	DRAFT DA	03.06.2021
D	REVISED DA	10.06.2021
E	REVISED DA	11.08.2021
F	REVISED DA	13.10.2021
G	REVISED DA	04.11.2021
H	REVISED DA	18.11.2021

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

DEMOLITION PLAN

SCALE: 1 : 200@ A3 DATE: 18.11.2021

ISSUE: H - REVISED DA

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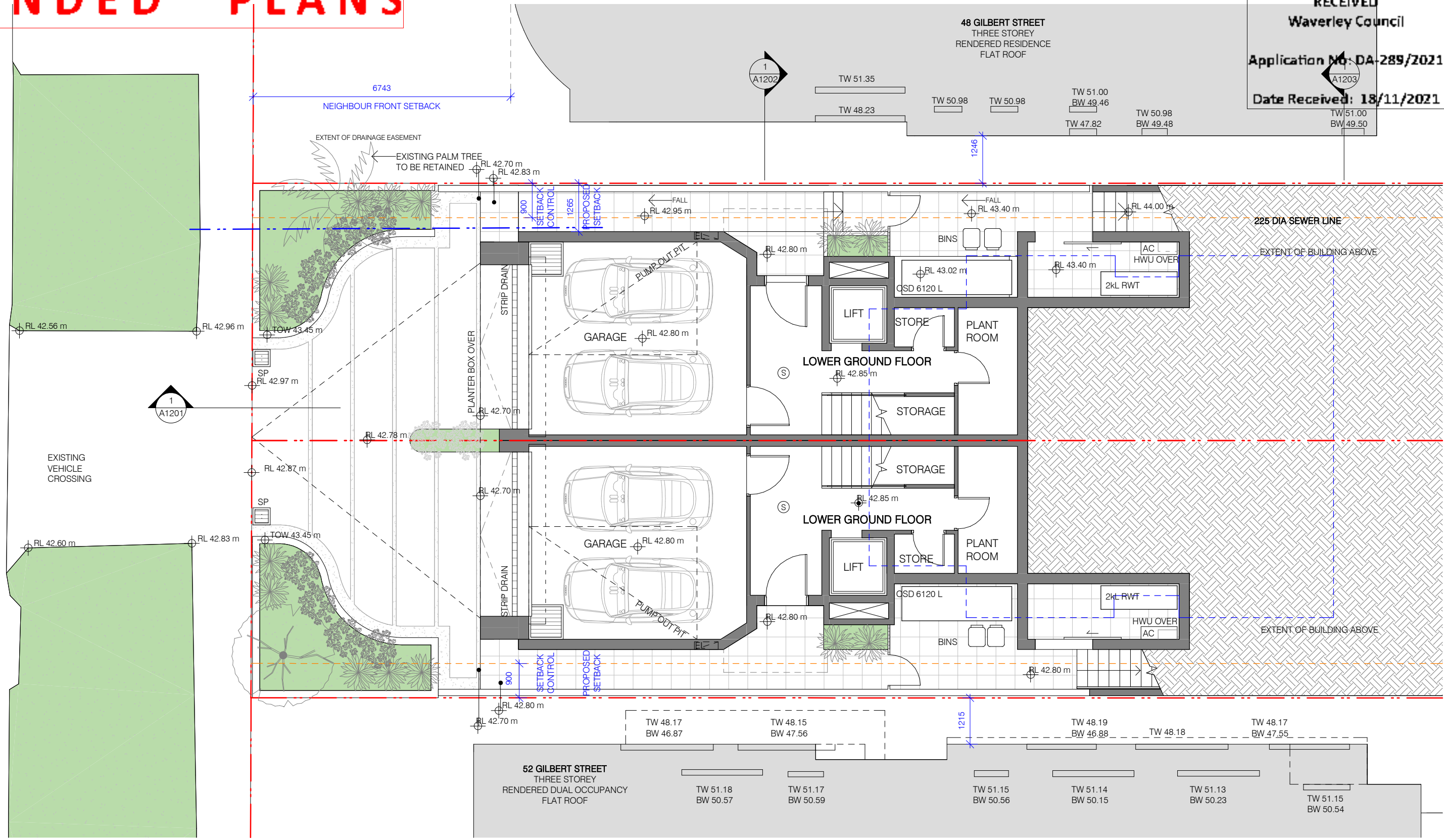
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A1011

AMENDED PLANS

GILBERT STREET

RECEIVED
Waverley Council
Application No: DA-289/2021
Date Received: 18/11/2021



ARCHITECT

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Rosebery NSW 2018

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

LEGEND

AC
HWU
RWT
DP
RT-01
SP
SW
PS

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

(S)

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

SMOKE ALARM TO AS3786

NORTH

ISSUE	AMENDMENT	DATE
A	PRILIMINARY	04.03.2021
B	DESIGN UPDATES	22.04.2021
C	DRAFT DA	03.06.2021
D	REVISED DA	10.06.2021
E	REVISED DA	11.08.2021
F	REVISED DA	13.10.2021
G	REVISED DA	04.11.2021
H	REVISED DA	18.11.2021

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

LOWER GROUND FLOOR PLAN

SCALE: 1 : 100@ A3 DATE: 18.11.2021

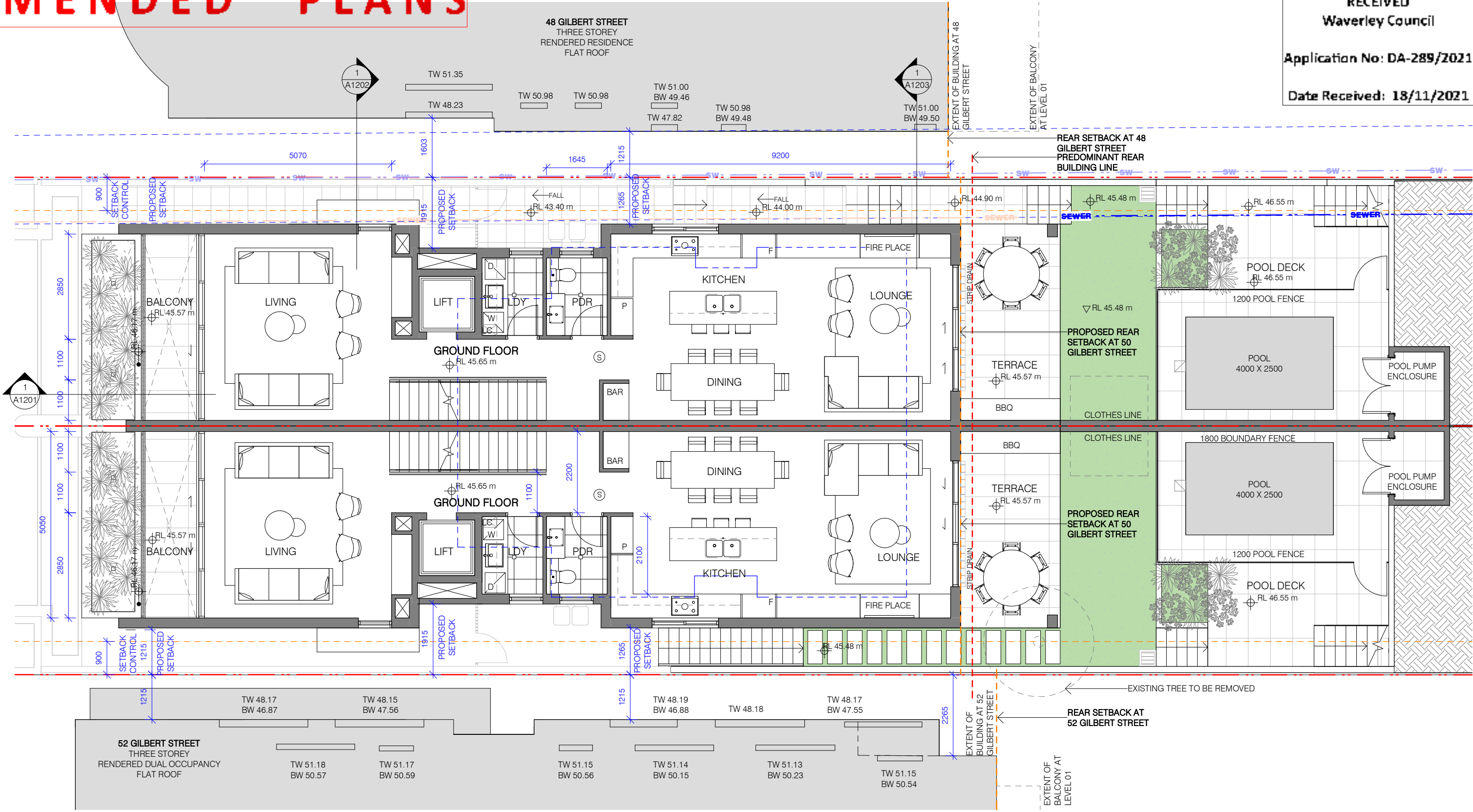
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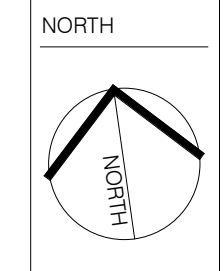
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BJB Architects Pty Ltd
Nominated Architect:
Barry Babikian NSW Reg No. 8806

LEGEND

AC	AIR CONDITIONING UNIT	(S)	SMOKE ALARM TO AS3786
HWU	HOT WATER UNIT	[---]	OUTLINE OF EXISTING BUILDING STRUCTURE
RWT	RAINWATER TANK	[---]	EXTENT OF DRAINAGE
DP	DOWNPIPE	[---]	EASEMENT SUBJECT TO DA CONDITION
RT-01	ROOF TILE, TBA		
SP	STORMWATER PIT		
SW	STORMWATER LINE		
PS	PRIVACY SCREEN		



ISSUE	AMENDMENT	DATE
A	PRILIMINARY	04.03.2021
B	DESIGN UPDATES	22.04.2021
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PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

GROUND FLOOR PLAN

SCALE: 1 : 100@ A3 DATE: 18.11.2021

ISSUE: H - REVISED DA

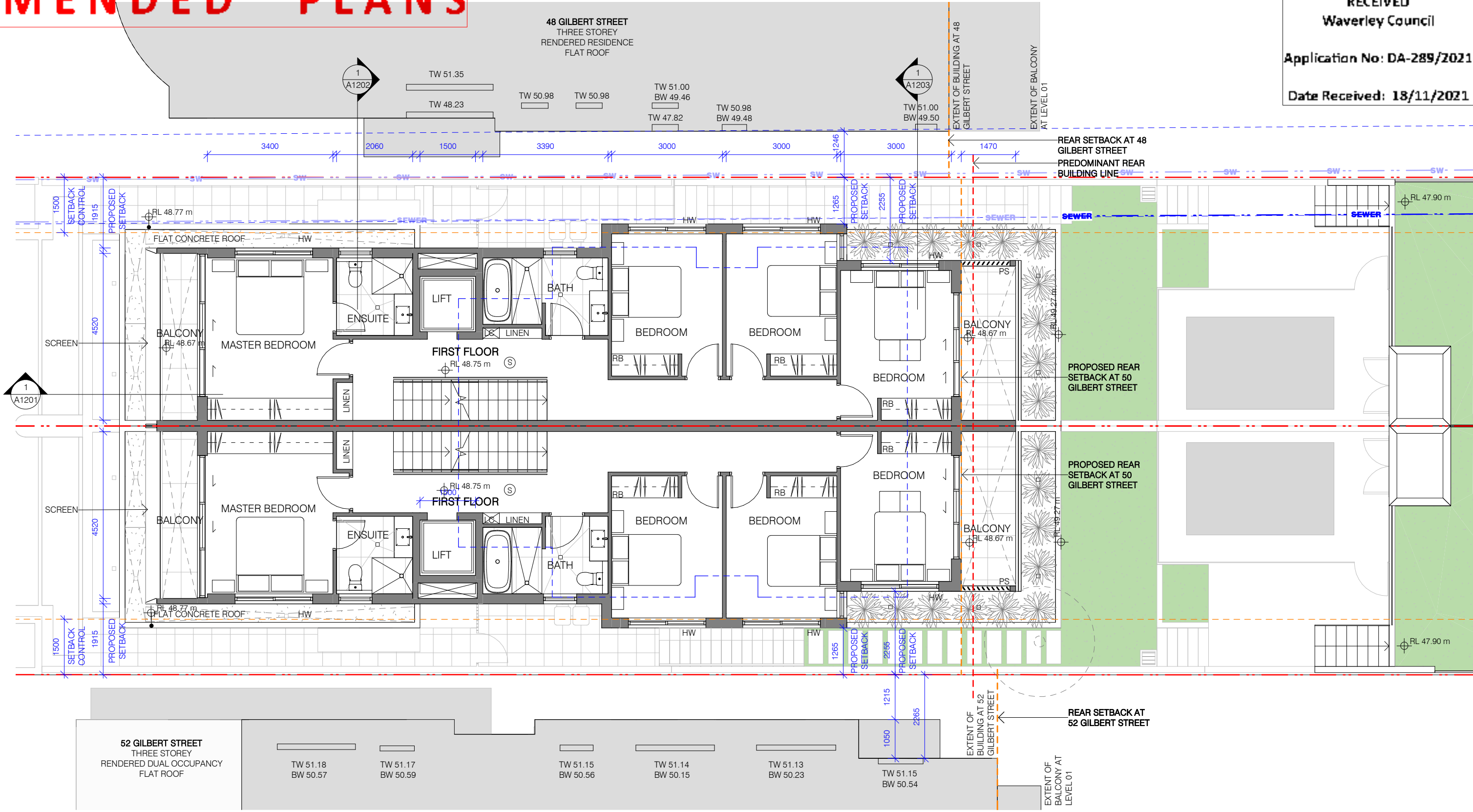
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AMENDED PLANS

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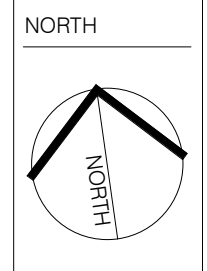
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LEGEND

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

(S) SMOKE ALARM TO AS3786
[] OUTLINE OF EXISTING BUILDING STRUCTURE
[] EXTENT OF DRAINAGE
[] EASEMENT SUBJECT TO DA CONDITION



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PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

FIRST FLOOR PLAN

SCALE: 1 : 100@ A3 DATE: 18.11.2021

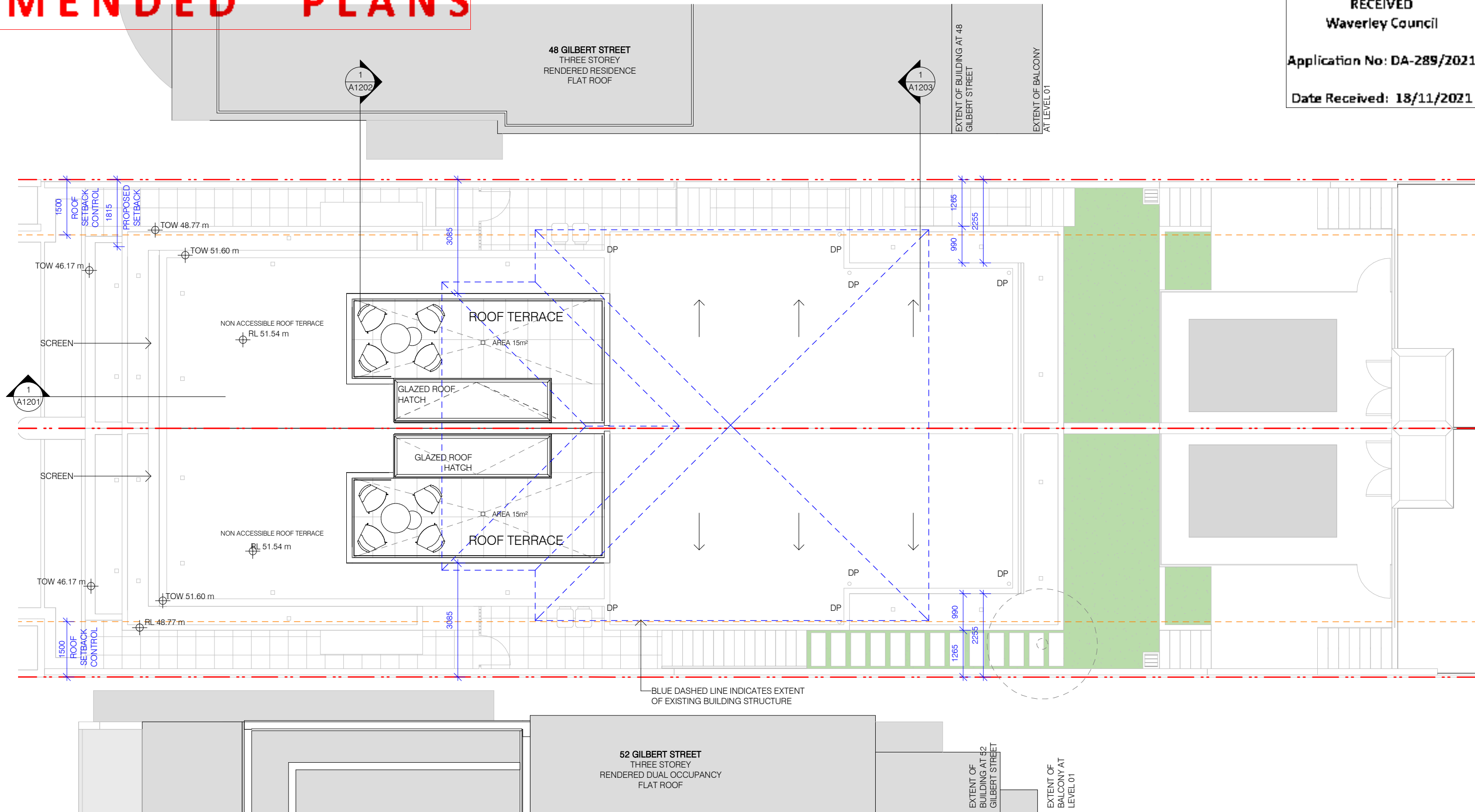
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LEGEND

AC
HWU
RWT
DP
RT-01
SP
SW
PS

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

(S)

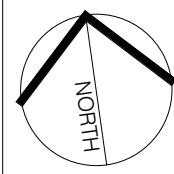
SMOKE ALARM TO AS3786

OUTLINE OF EXISTING
BUILDING STRUCTURE

EXTENT OF DRAINAGE

EASEMENT SUBJECT TO
DA CONDITION

NORTH



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DATE

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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

ROOF PLAN

SCALE: 1 : 100@ A3

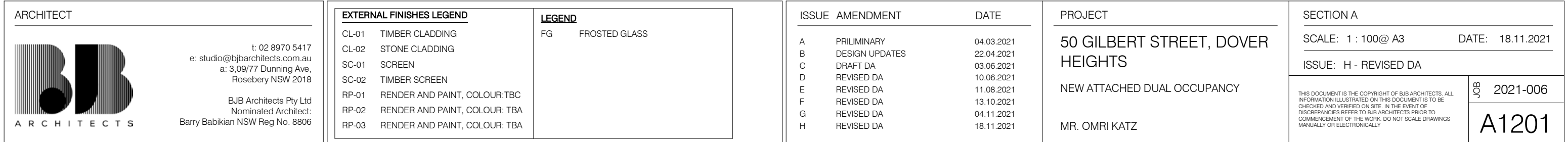
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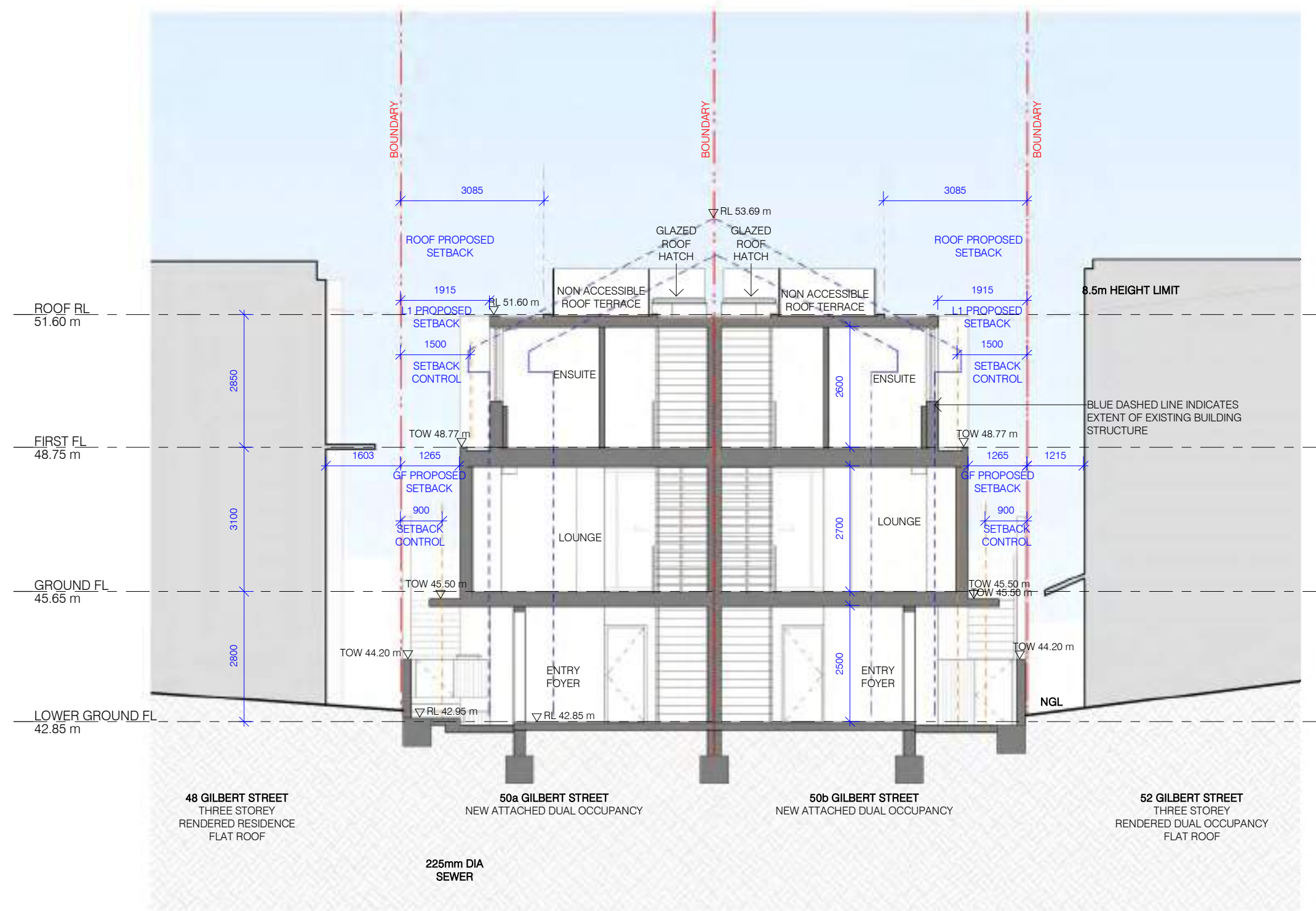
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EXTERNAL FINISHES LEGEND		LEGEND	
CL-01	TIMBER CLADDING	FG	FROSTED GLASS
CL-02	STONE CLADDING		
SC-01	SCREEN		
SC-02	TIMBER SCREEN		
RP-01	RENDER AND PAINT, COLOUR:TBC		
RP-02	RENDER AND PAINT, COLOUR: TBA		
RP-03	RENDER AND PAINT, COLOUR: TBA		

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PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SECTION B

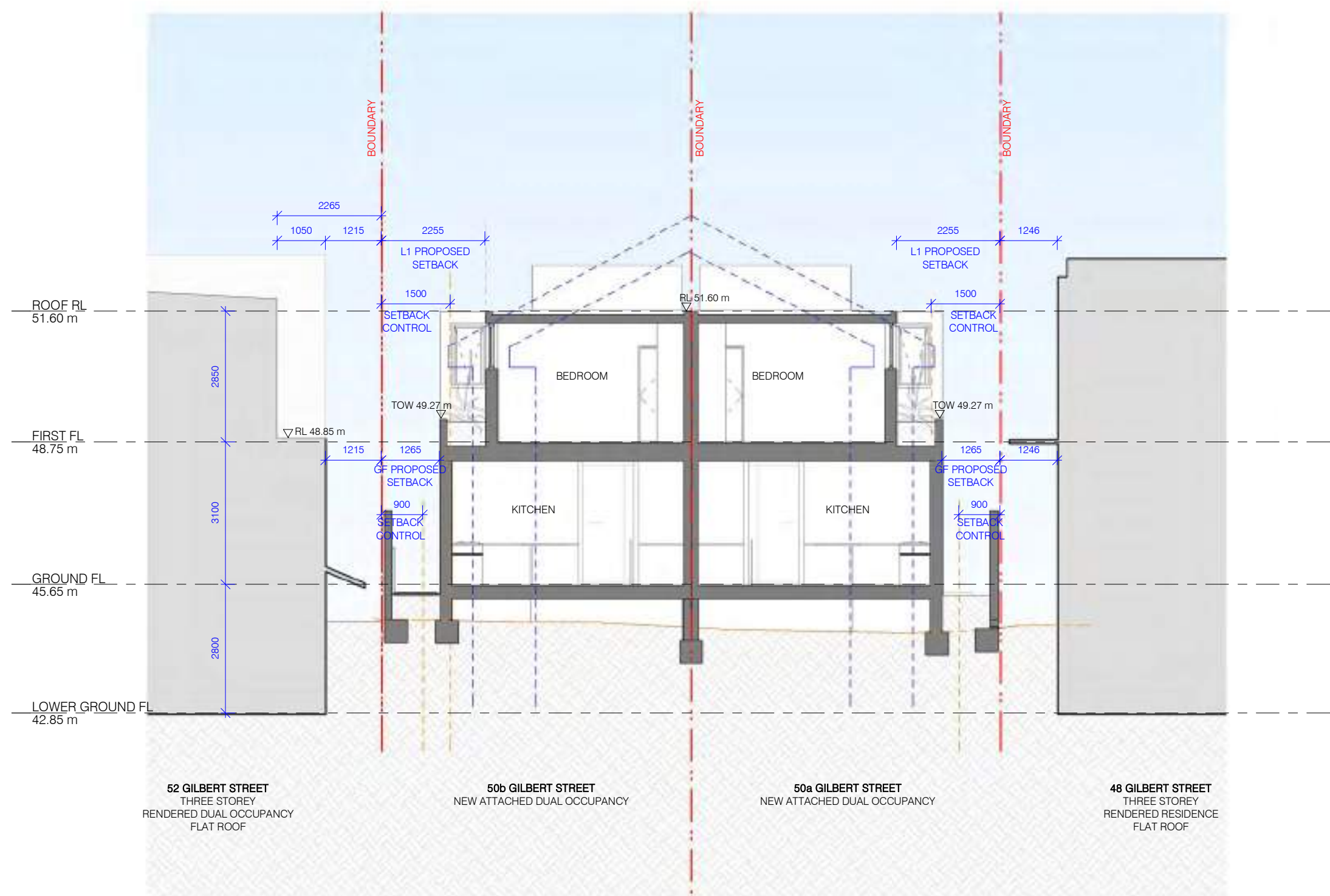
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EXTERNAL FINISHES LEGEND

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
----	---------------

ISSUE	AMENDMENT	DATE
E	REVISED DA	11.08.2021
F	REVISED DA	13.10.2021
G	REVISED DA	04.11.2021
H	REVISED DA	18.11.2021

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SECTION C

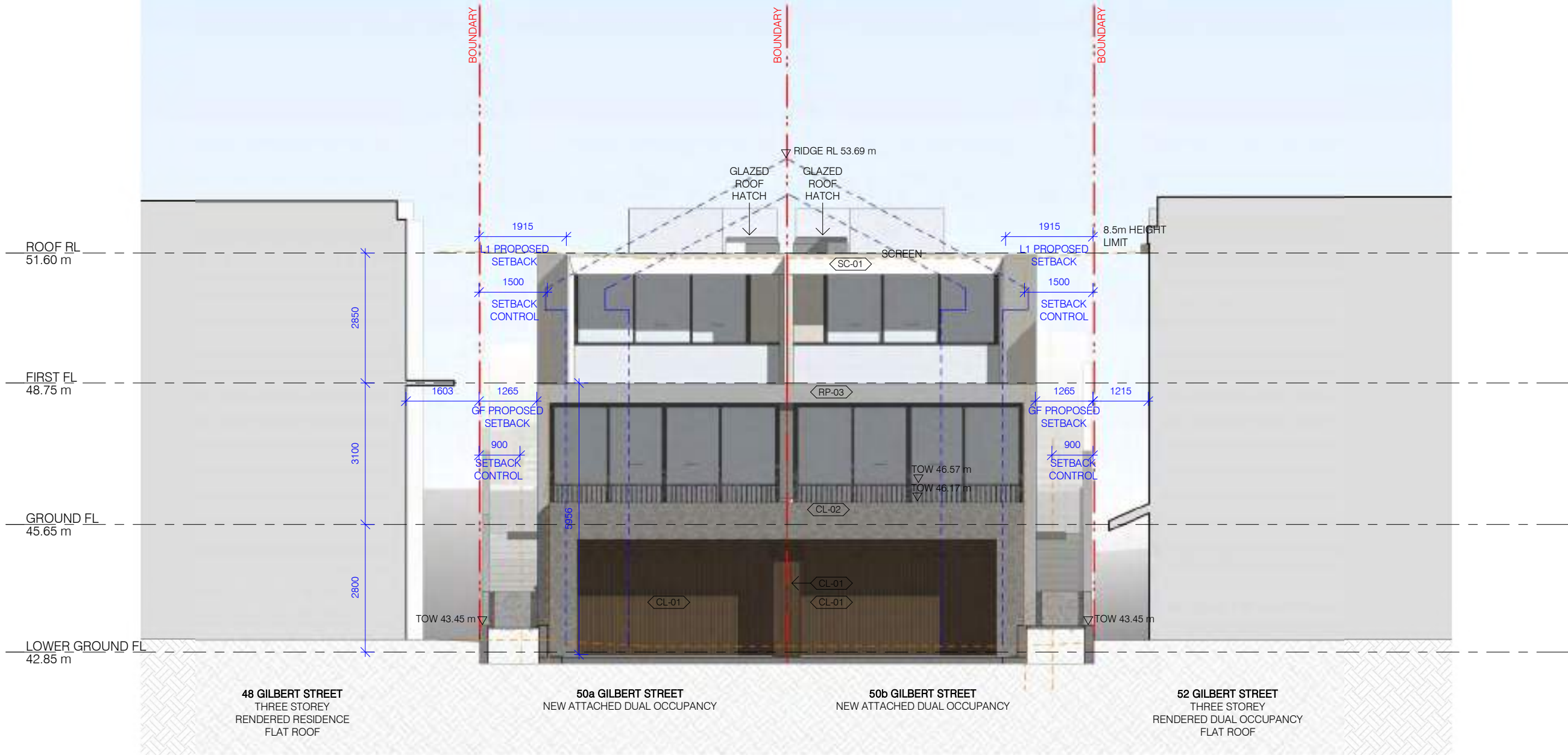
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EXTERNAL FINISHES LEGEND

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

ISSUE AMENDMENT

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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

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WEST ELEVATION

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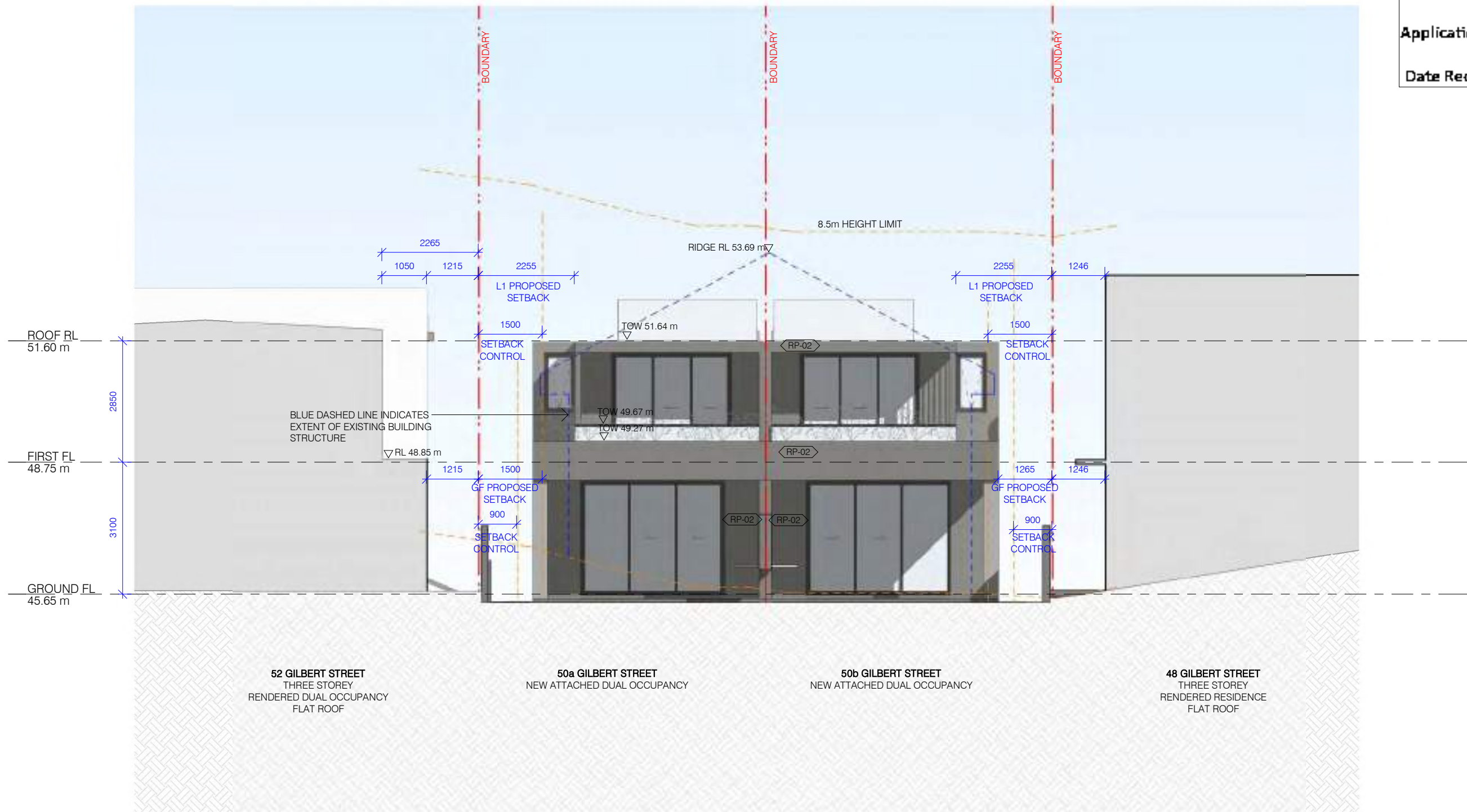
ARCHITECT		EXTERNAL FINISHES LEGEND		LEGEND		ISSUE AMENDMENT DATE		PROJECT		NORTH ELEVATION	
 ARCHITECTS		CL-01 TIMBER CLADDING		FG FROSTED GLASS		A PRILIMINARY		50 GILBERT STREET, DOVER HEIGHTS		SCALE: 1 : 100@ A3	
		CL-02 STONE CLADDING				B DESIGN UPDATES		NEW ATTACHED DUAL OCCUPANCY		DATE: 18.11.2021	
t: 02 8970 5417 e: studio@bjbarchitects.com.au a: 3, 09/77 Dunning Ave, Rosebery NSW 2018		SC-01 SCREEN				C DRAFT DA		MR. OMRI KATZ		ISSUE: H - REVISED DA	
BJB Architects Pty Ltd Nominated Architect: Barry Babikian NSW Reg No. 8806		SC-02 TIMBER SCREEN				D REVISED DA				2021-006	
		RP-01 RENDER AND PAINT, COLOUR:TBC				E REVISED DA				A1302	
		RP-02 RENDER AND PAINT, COLOUR: TBA				F REVISED DA					
		RP-03 RENDER AND PAINT, COLOUR: TBA				G REVISED DA					
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		CL-02 STONE CLADDING				B DESIGN UPDATES 22.04.2021					
		SC-01 SCREEN				C DRAFT DA 03.06.2021		NEW ATTACHED DUAL OCCUPANCY		ISSUE: H - REVISED DA	
		SC-02 TIMBER SCREEN				D REVISED DA 10.06.2021				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	
		RP-01 RENDER AND PAINT, COLOUR:TBC				E REVISED DA 11.08.2021		MR. OMRI KATZ		2021-006	
		RP-02 RENDER AND PAINT, COLOUR: TBA				F REVISED DA 13.10.2021				A1303	
		RP-03 RENDER AND PAINT, COLOUR: TBA				G REVISED DA 04.11.2021					
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EXTERNAL FINISHES LEGEND

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LEGEND

FG FROSTED GLASS

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PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

EAST ELEVATION

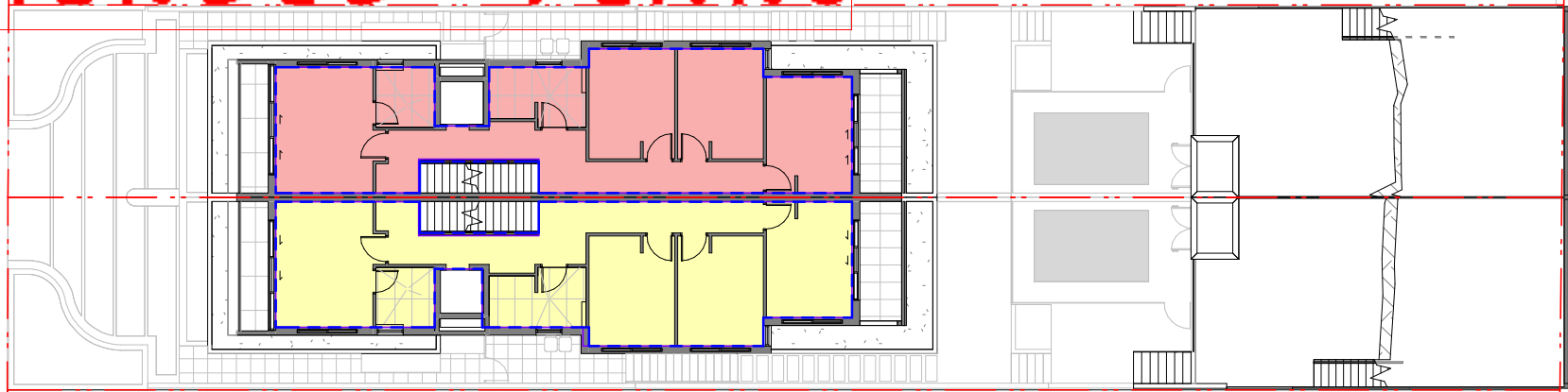
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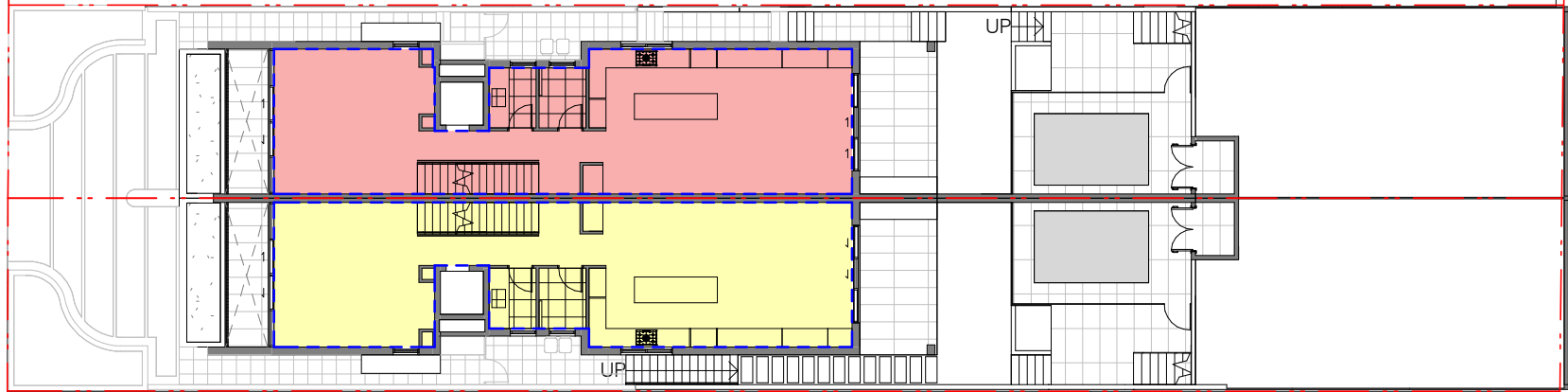
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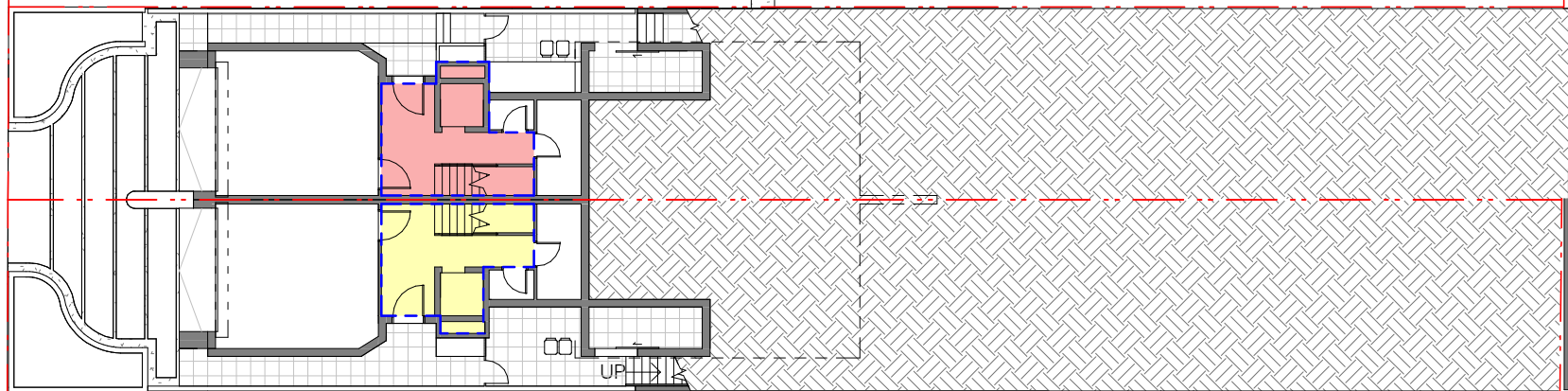
AMENDED PLANS



3 FSR - FIRST FL
1 : 250



2 FSR - GROUND FL
1 : 250



1 FSR - LOWER GROUND FL
1 : 250

FSR CALCULATIONS

SITE AREA	731.6 m ²
FSR	0.5:1
PERMISSIBLE AREA	365.8 m ²
	182.9 m ² (PER DWELLING)

PROPOSED AREAS (PER DWELLING)

LOWER GROUND FLOOR	19.6 m ²
GROUND FLOOR	94.3 m ²
FIRST FLOOR	83.1 m ²
TOTAL (PER DWELLING)	197.0 m ²
GROSS TOTAL FSR	394.0 m ²
	(0.54:1)

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

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HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

CALCULATIONS - FSR

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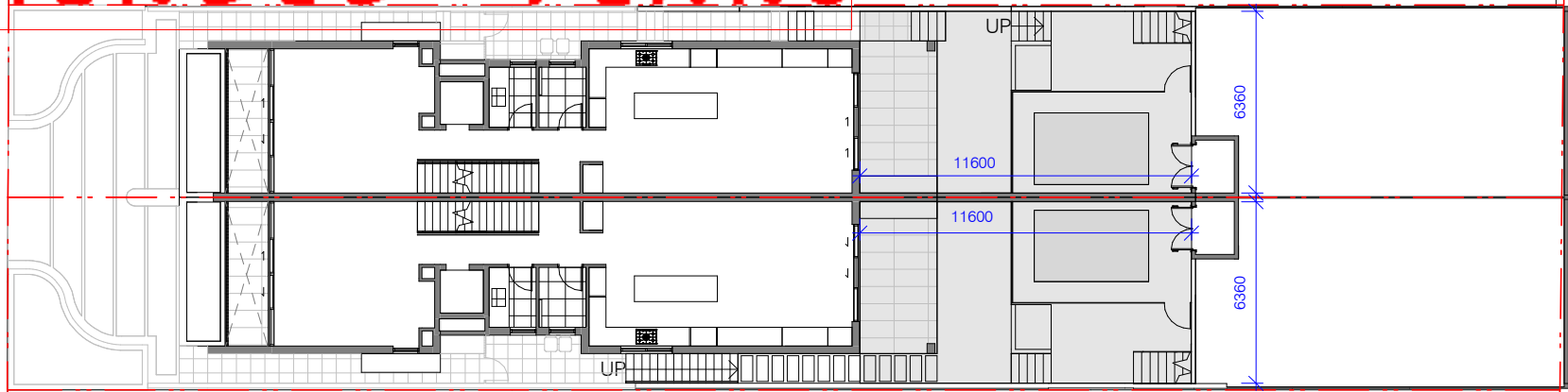
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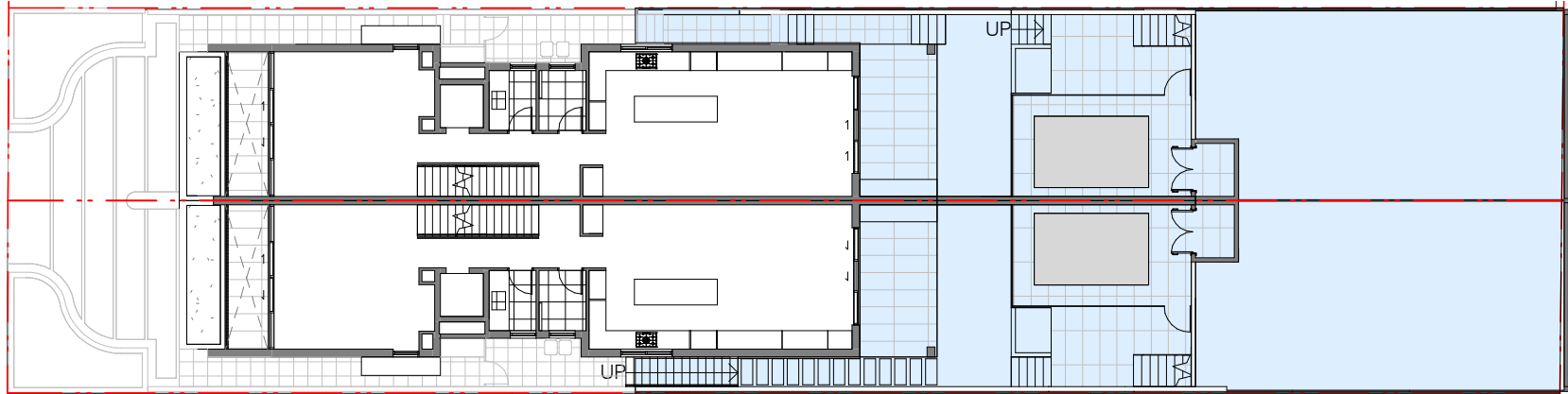
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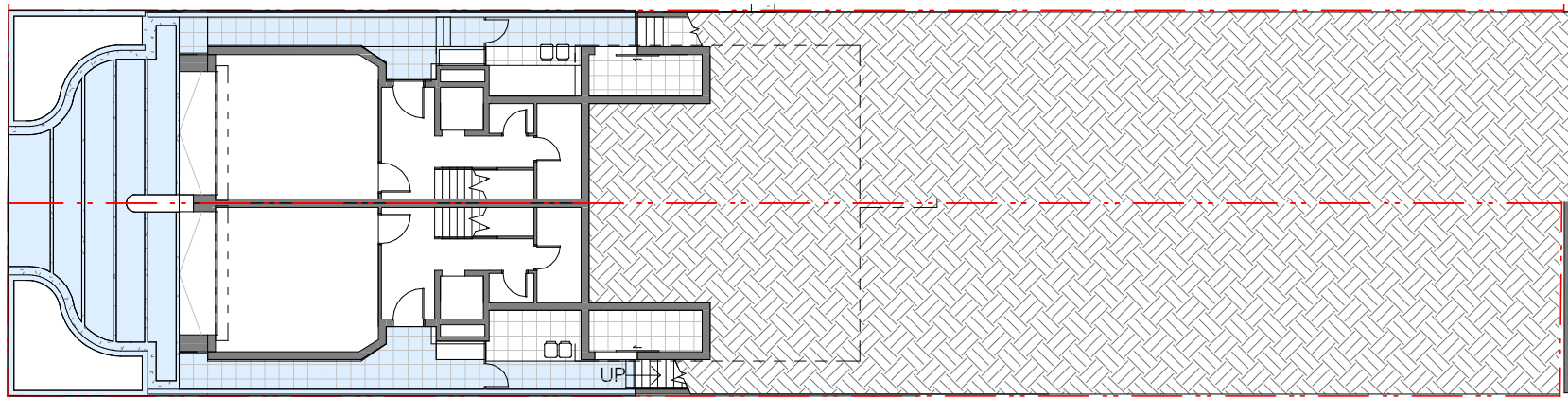
AMENDED PLANS



3 PRIVATE OPEN SPACE - FIRST 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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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

CALCULATIONS - OPEN AREA AND POS

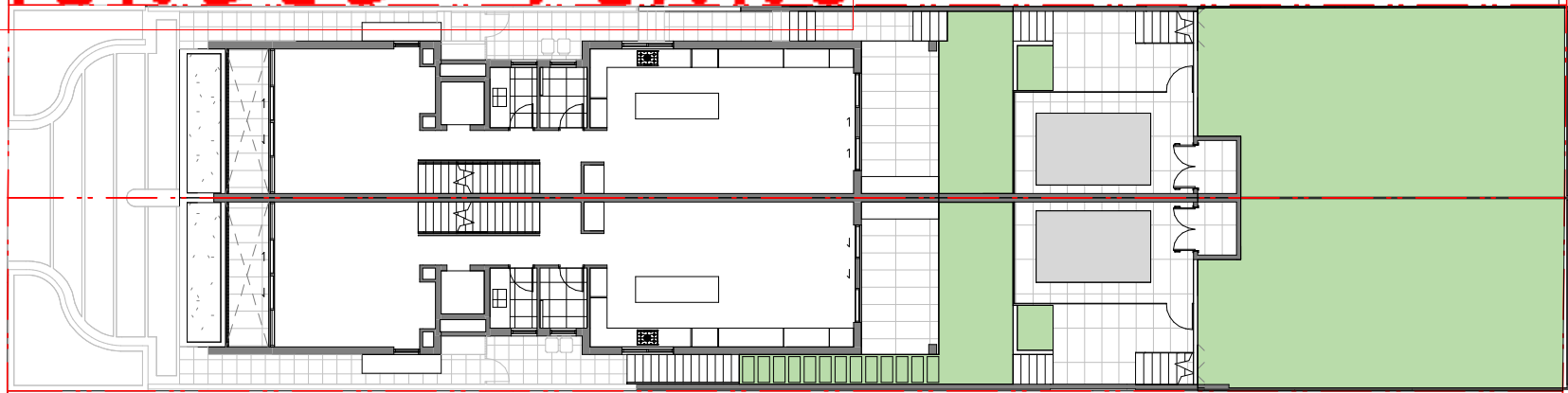
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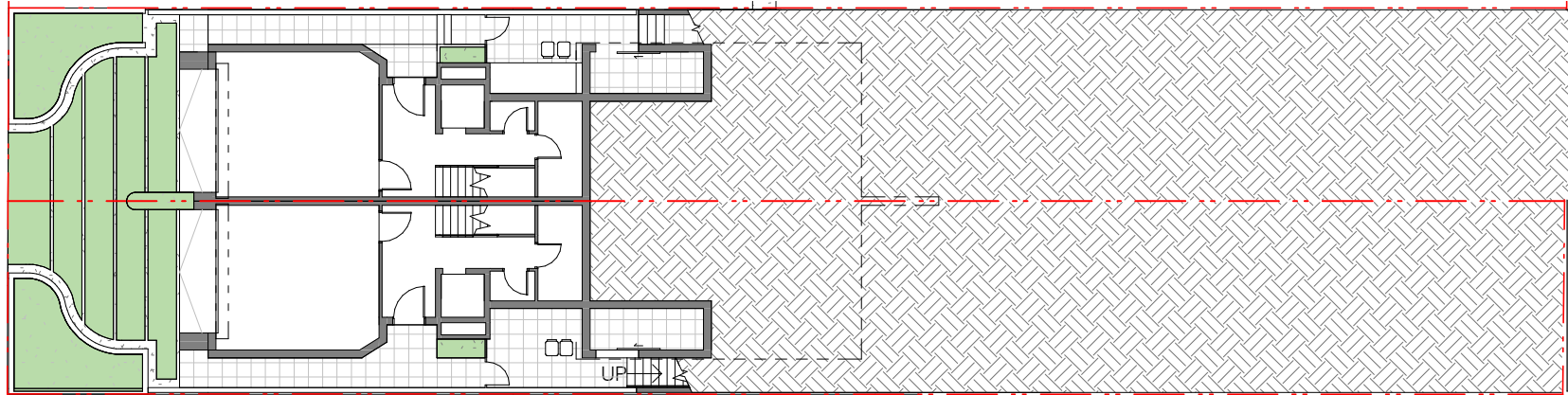
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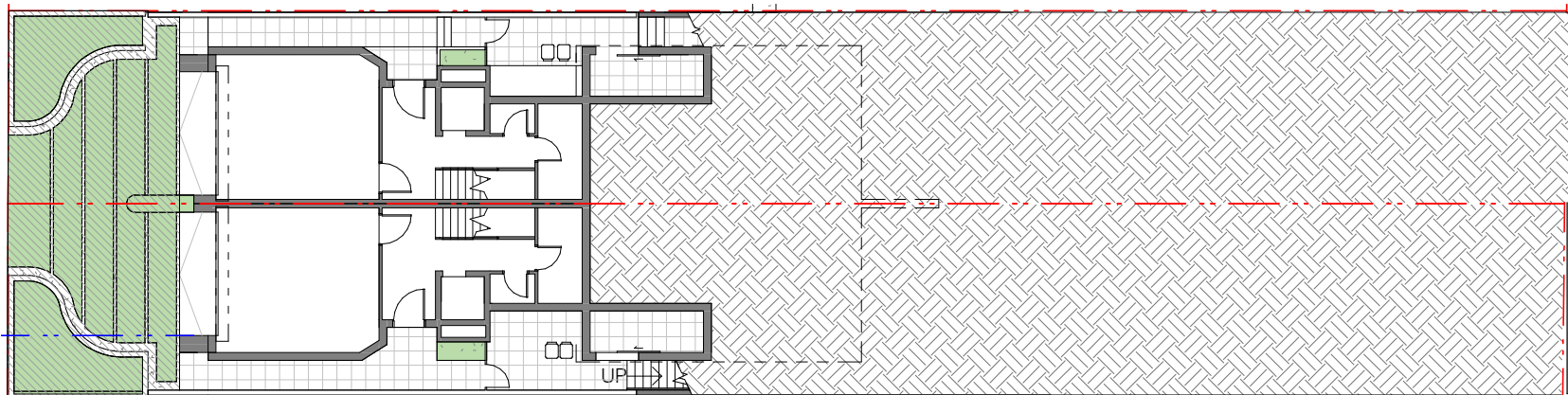
A1402



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 m ²
REQUIRED LANDSCAPE	109.74 m ² (15% OF TOTAL SITE AREA)
PROPOSED LANDSCAPE	209.00 m ² (29.00% OF TOTAL SITE AREA)

PROPOSED LANDSCAPE AREA

LANDSCAPE AT FRONT OF BUILDING

TOTAL AREA -	80.7 m ²
REQUIRED LANDSCAPE	40.1 m ² (50% OF OPEN AREA AT FRONT)
PROPOSED LANDSCAPE	64.73 m ² (80.7% OF TOTAL SITE AREA)

OPEN AREA AT FRONT OF BUILDING
LANDSCAPE AREA

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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

ISSUE	AMENDMENT	DATE
A	PRILIMINARY	04.03.2021
B	DESIGN UPDATES	22.04.2021
C	DRAFT DA	03.06.2021
D	REVISED DA	10.06.2021
E	REVISED DA	11.08.2021
F	REVISED DA	13.10.2021
G	REVISED DA	04.11.2021
H	REVISED DA	18.11.2021

PROJECT
50 GILBERT STREET, DOVER
HEIGHTS
NEW ATTACHED DUAL OCCUPANCY
MR. OMRI KATZ

CALCULATIONS - LANDSCAPE
SCALE: As indicated@ A3 DATE: 18.11.2021
ISSUE: H - REVISED DA

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A1403

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Application No: DA-289/2021

Date Received: 18/11/2021

GILBERT STREET

50a GILBERT STREET
NEW ATTACHED DUAL OCCUPANCY

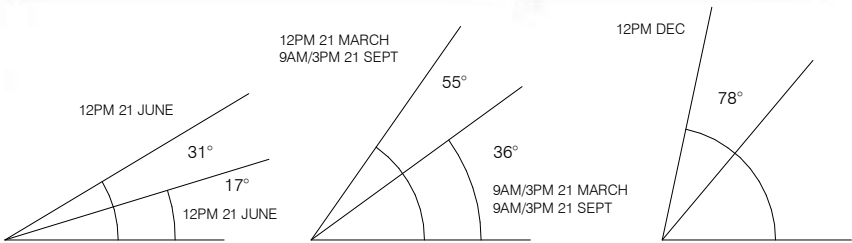
50b GILBERT STREET
NEW ATTACHED DUAL OCCUPANCY

52 GILBERT STREET
THREE STOREY
RENDERED DUAL OCCUPANCY
FLAT ROOF

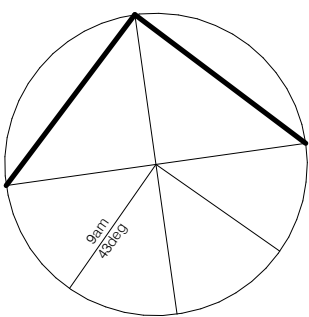
54 GILBERT STREET
THREE STOREY
RENDERED RESIDENCE
FLAT ROOF

WINTER SOLSTICE -
21ST JUNE 9AM

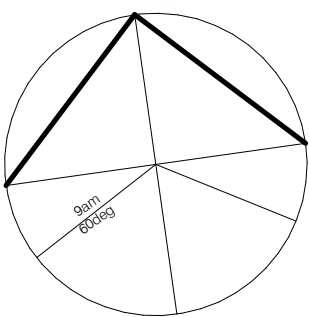
WINTER SOLSTICE - 21ST JUNE		
9AM 43 DEGREES NE	12PM 0 DEGRESS N	3PM 43 DEGREES NW
EQUINOX - 21ST MARCH & SEPTEMBER		
9AM 60 DEGREES NE	12PM 0 DEGRESS N	3PM 60 DEGREES NW
SUMMER SOLSTICE - 21ST DECEMBER		
9AM 0 DEGREES NE	12PM 0 DEGRESS N	3PM 90 DEGREES NW



VERTICAL SUN ANGLES
FOR SYDNEY - LATITUDE 35 DEGREES SOUTH



WINTER
SOLSTICE -
21ST JUNE



EQUINOX -
21ST MARCH &
SEPTEMBER

ARCHITECT



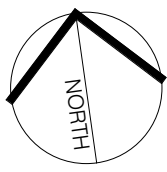
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LEGEND:

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

NORTH



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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SHADOW DIAGRAMS

SCALE: 1 : 200@ A3

DATE: 18.11.2021

ISSUE: H - REVISED DA

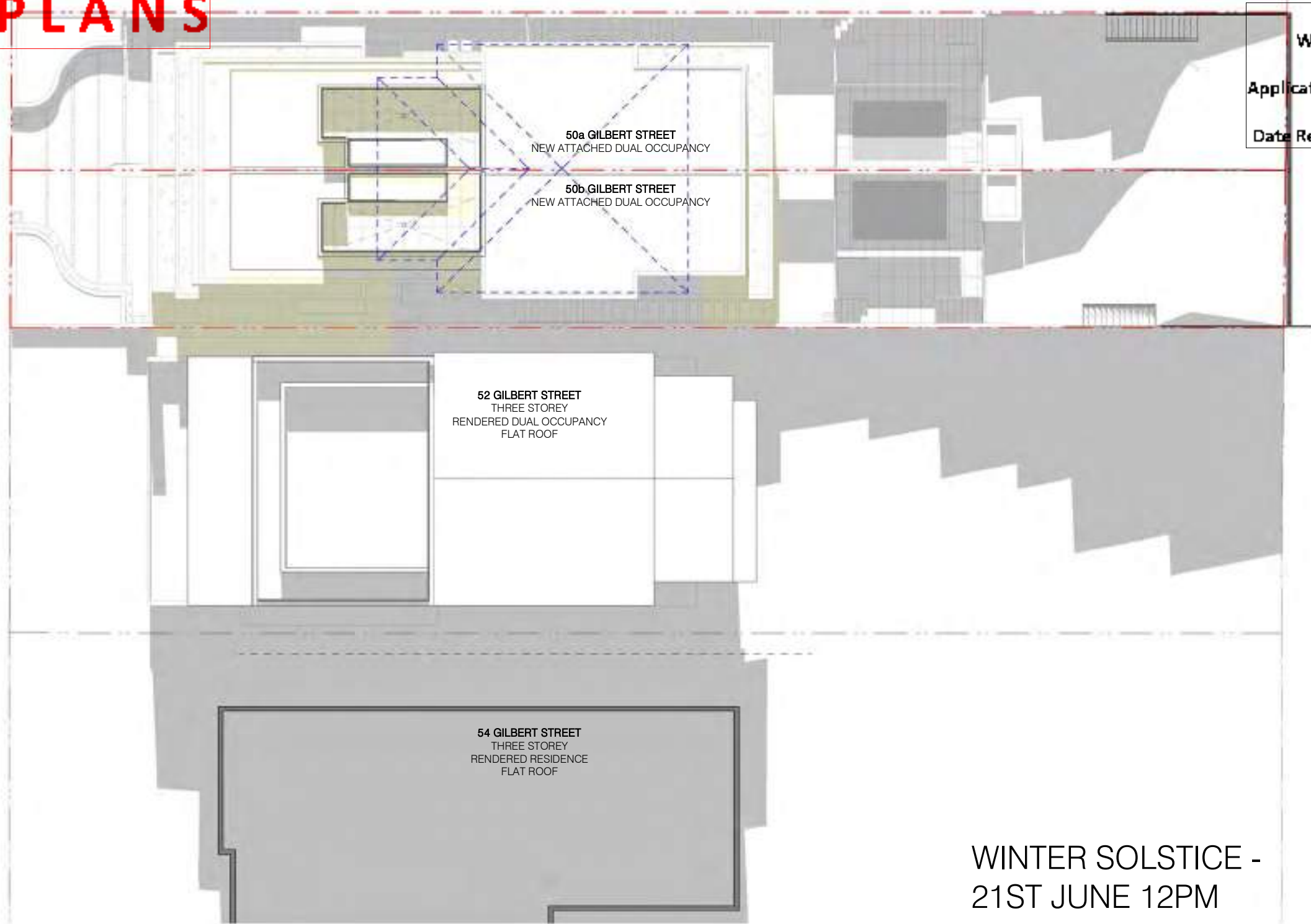
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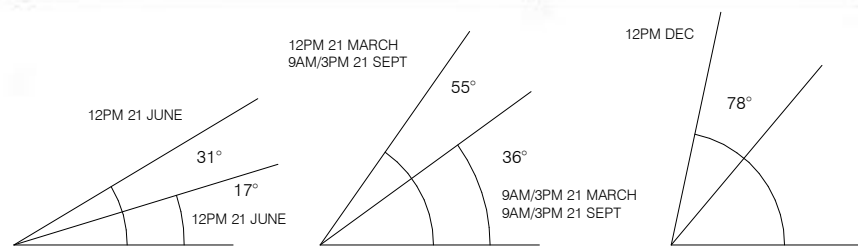
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GILBERT STREET

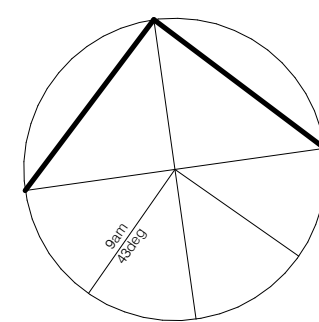


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21ST JUNE 12PM

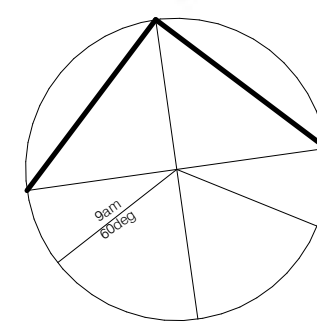
WINTER SOLSTICE - 21ST JUNE		
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9AM 60 DEGREES NE	12PM 0 DEGRESS N	3PM 60 DEGREES NW
SUMMER SOLSTICE - 21ST DECEMBER		
9AM 0 DEGREES NE	12PM 0 DEGRESS N	3PM 90 DEGREES NW



VERTICAL SUN ANGLES
FOR SYDNEY - LATITUDE 35 DEGREES SOUTH



WINTER
SOLSTICE -
21ST JUNE



EQUINOX -
21ST MARCH &
SEPTEMBER

ARCHITECT



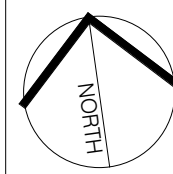
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NORTH



ISSUE AMENDMENT

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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SHADOW DIAGRAMS

SCALE: 1 : 200@ A3 DATE: 18.11.2021

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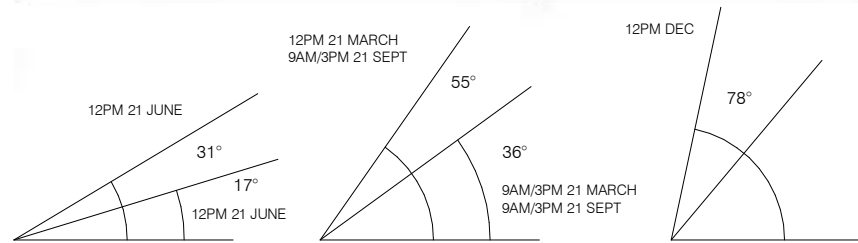
A1502

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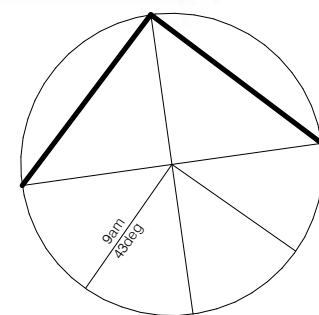
GILBERT STREET



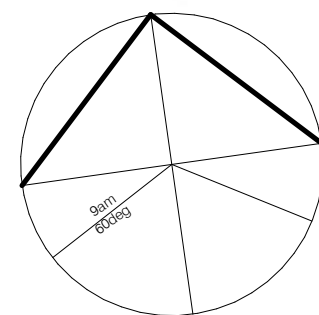
WINTER SOLSTICE - 21ST JUNE		
9AM 43 DEGREES NE	12PM 0 DEGRESS N	3PM 43 DEGREES NW
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VERTICAL SUN ANGLES
FOR SYDNEY - LATITUDE 35 DEGREES SOUTH



WINTER
SOLSTICE -
21ST JUNE



EQUINOX -
21ST MARCH &
SEPTEMBER

ARCHITECT



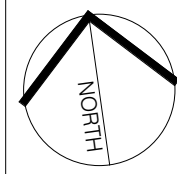
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Nominated Architect:
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- OUTLINE OF EXISTING BUILDING STRUCTURES

NORTH



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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SHADOW DIAGRAMS

SCALE: 1 : 200@ A3 DATE: 13.10.2021

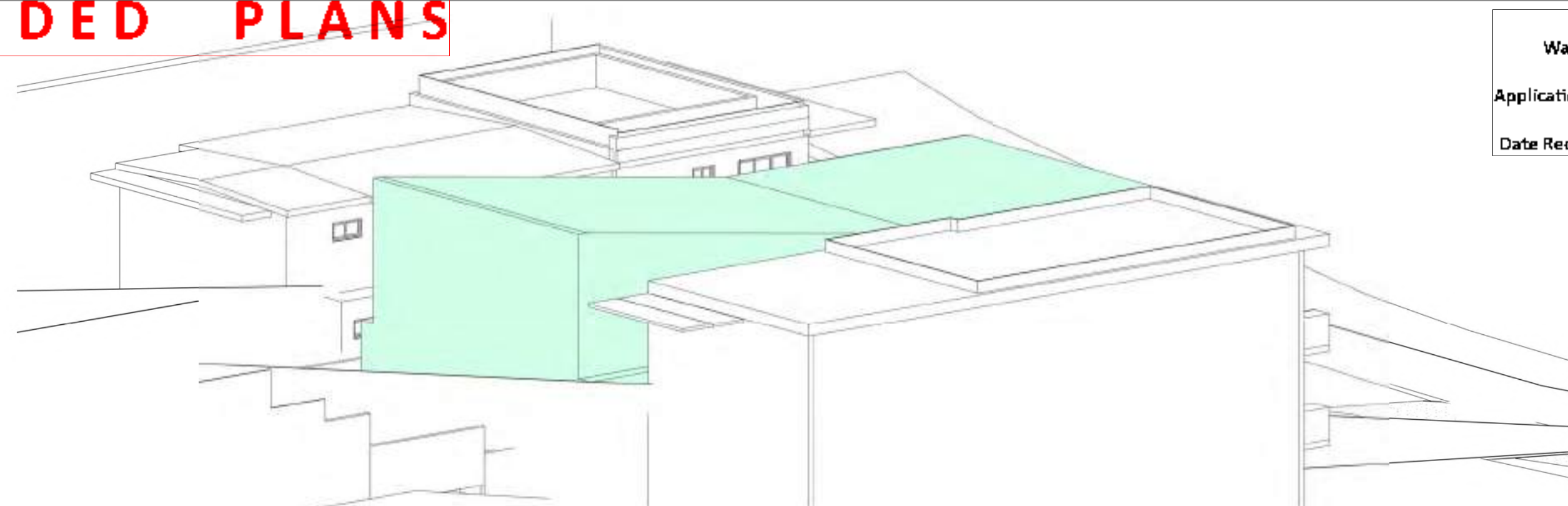
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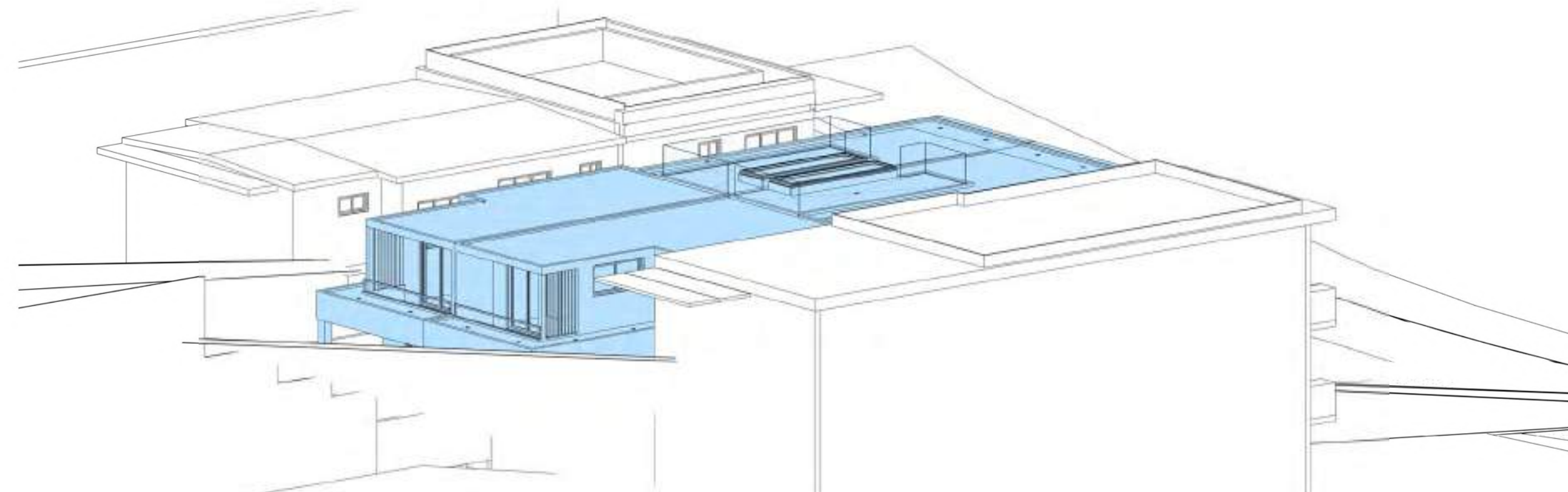
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Application No: DA-289/2021
Date Received: 18/11/2021




1 PERMISSIBLE BUILDING ENVELOPE



2 PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 9AM

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LEGEND

PERMISSIBLE BUILDING ENVELOPE

PROPOSED BUILDING ENVELOPE

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E	REVISED DA	11.08.2021
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H	REVISED DA	18.11.2021

PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SOLAR EYE DIAGRAM - WINTER SOLSTICE (9AM)

SCALE: N.T.S. DATE: 18.11.2021

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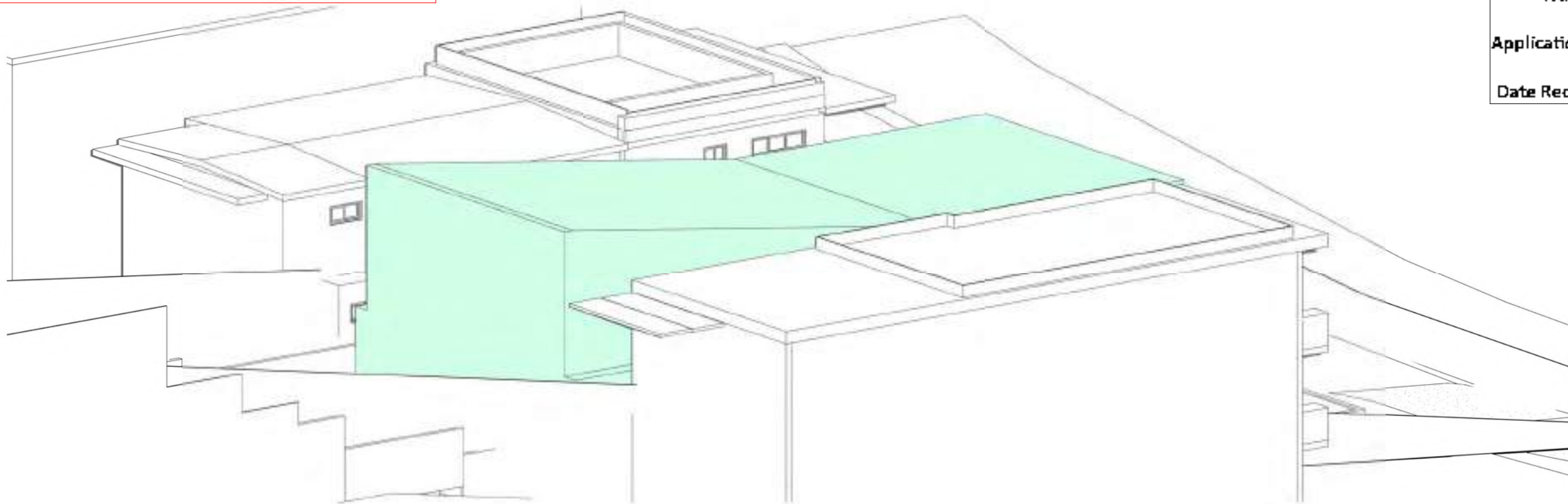
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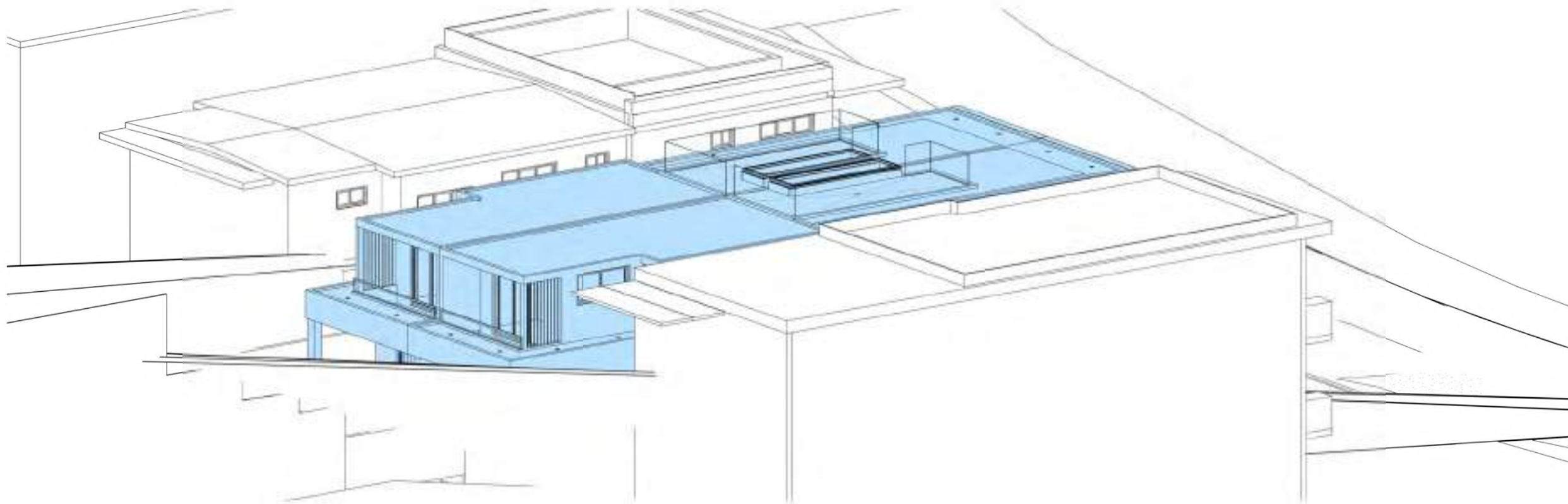
Application No: DA-289/2021

Date Received: 18/11/2021



1

PERMISSIBLE BUILDING ENVELOPE



2

PROPOSED BUILDING ENVELOPE

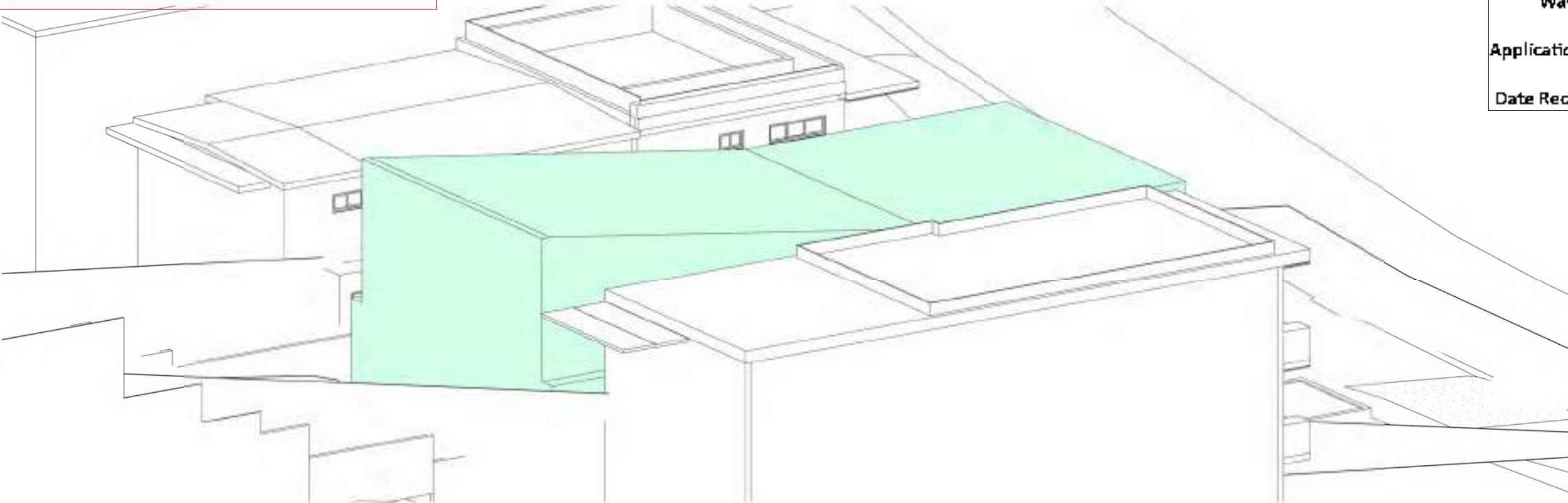
WINTER SOLSTICE - 21ST JUNE 915AM

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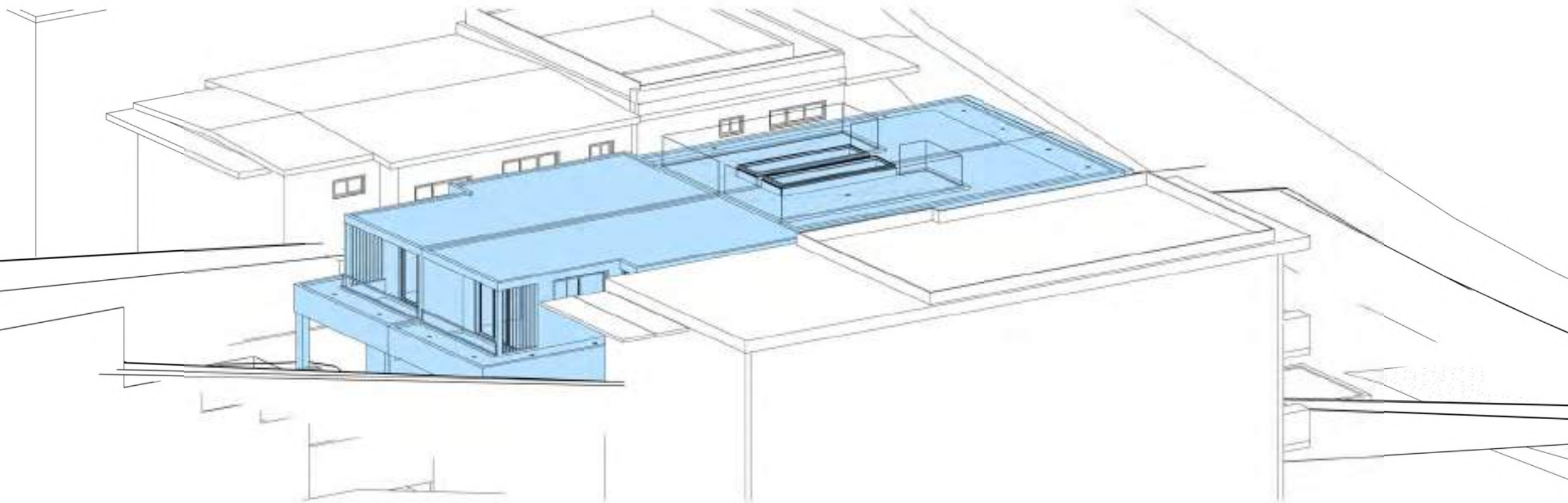
Application No: DA-289/2021

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1

PERMISSIBLE BUILDING ENVELOPE



2

PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 930AM

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Nominated Architect:
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LEGEND

- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
H	REVISED DA	18.11.2021

PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SOLAR EYES DIAGRAMS - WINTER SOLSTICE (930AM)

SCALE: 1 : 200@ A3

DATE: 18.11.2021

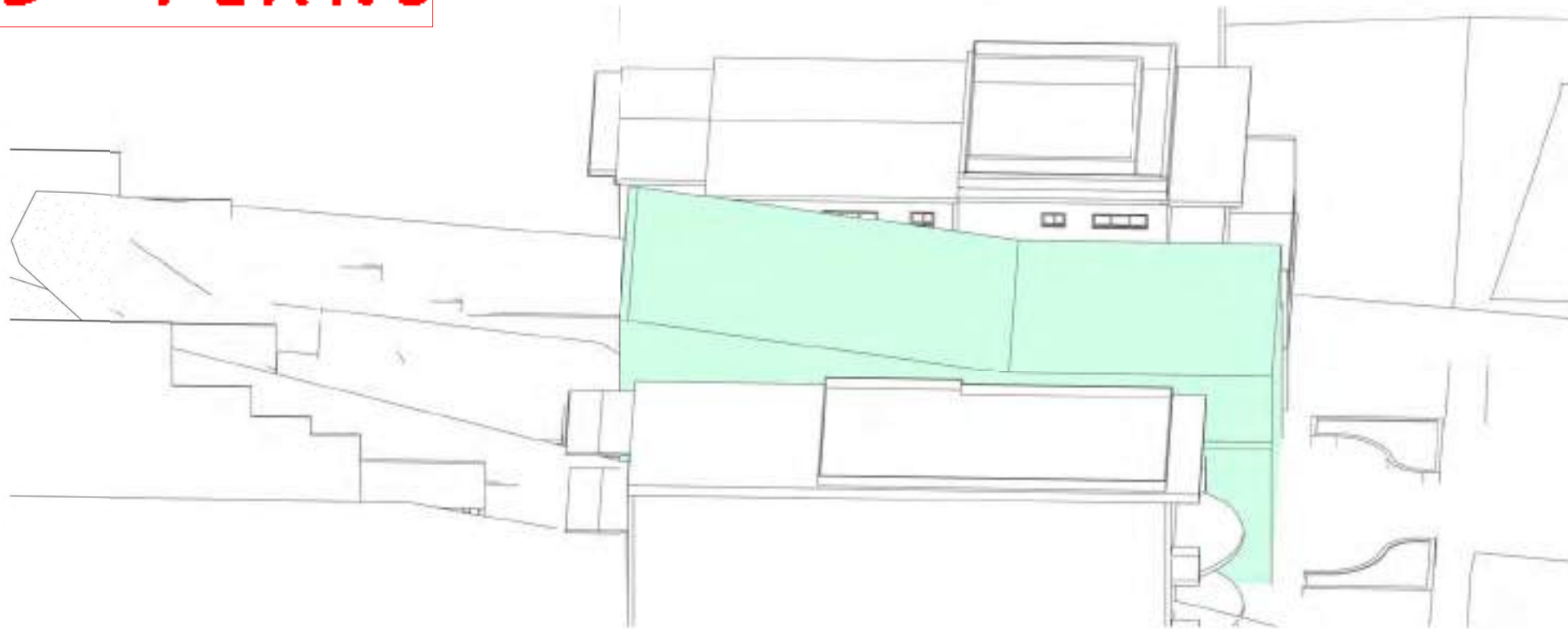
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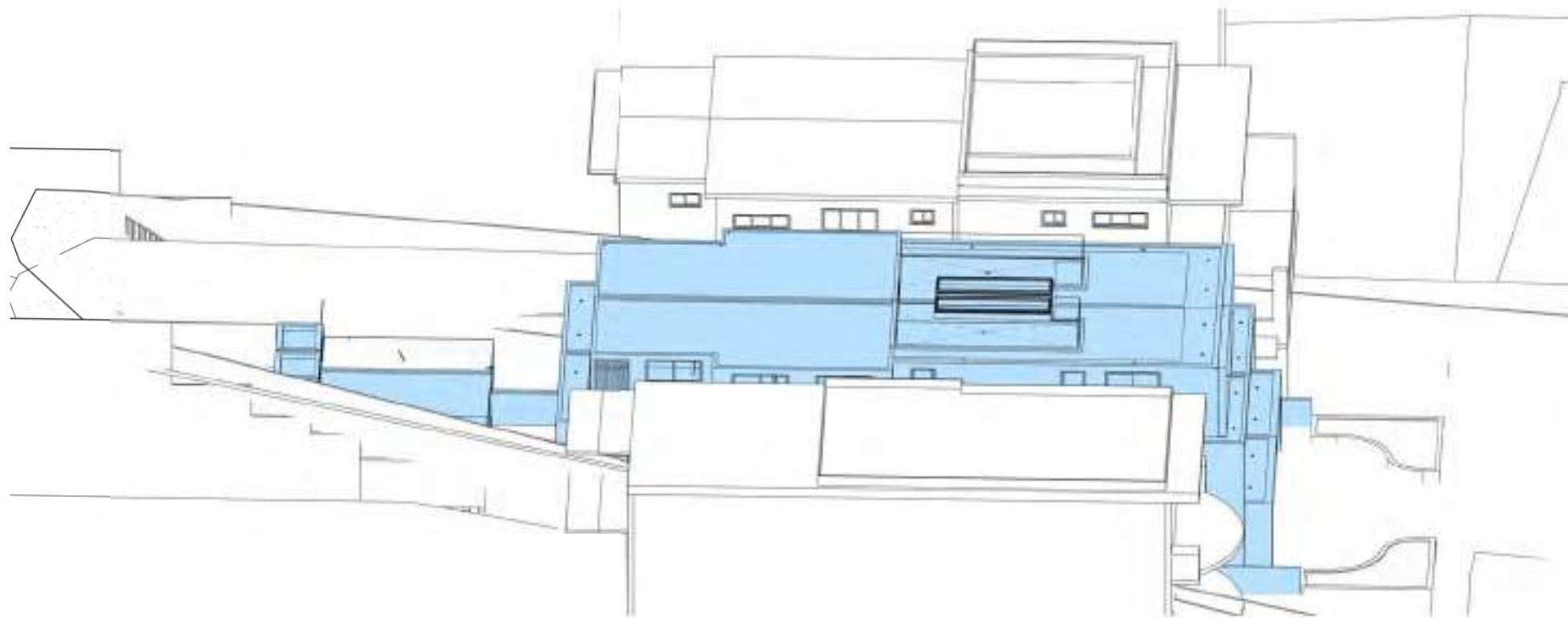
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A1511C

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2 PROPOSED BUILDING ENVELOPE

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LEGEND

- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
E	REVISED DA	11.08.2021
F	REVISED DA	13.10.2021
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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

NEW ATTACHED DUAL OCCUPANCY

MR. OMRI KATZ

SOLAR EYES DIAGRAMS - WINTER SOLSTICE (12PM)

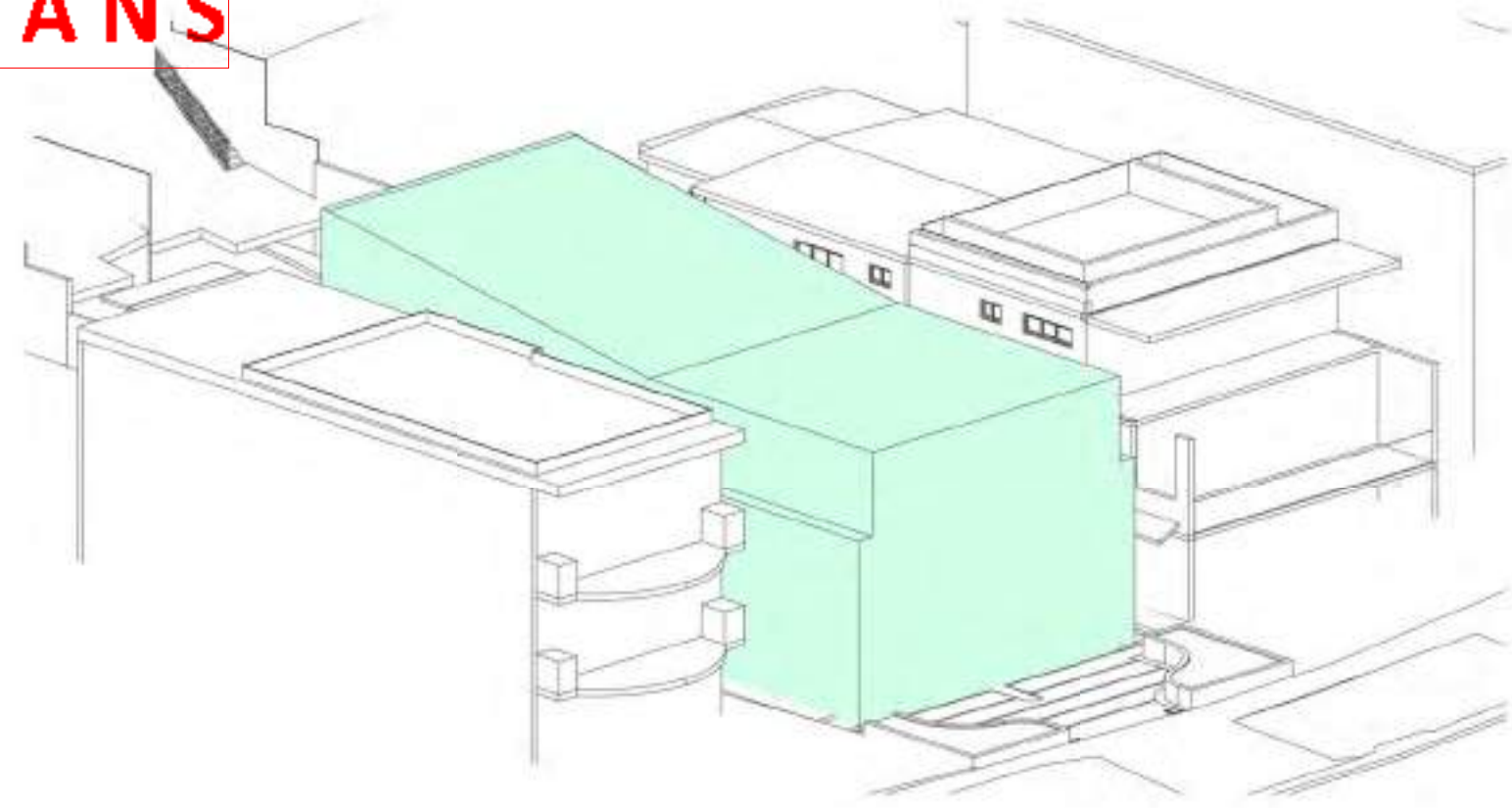
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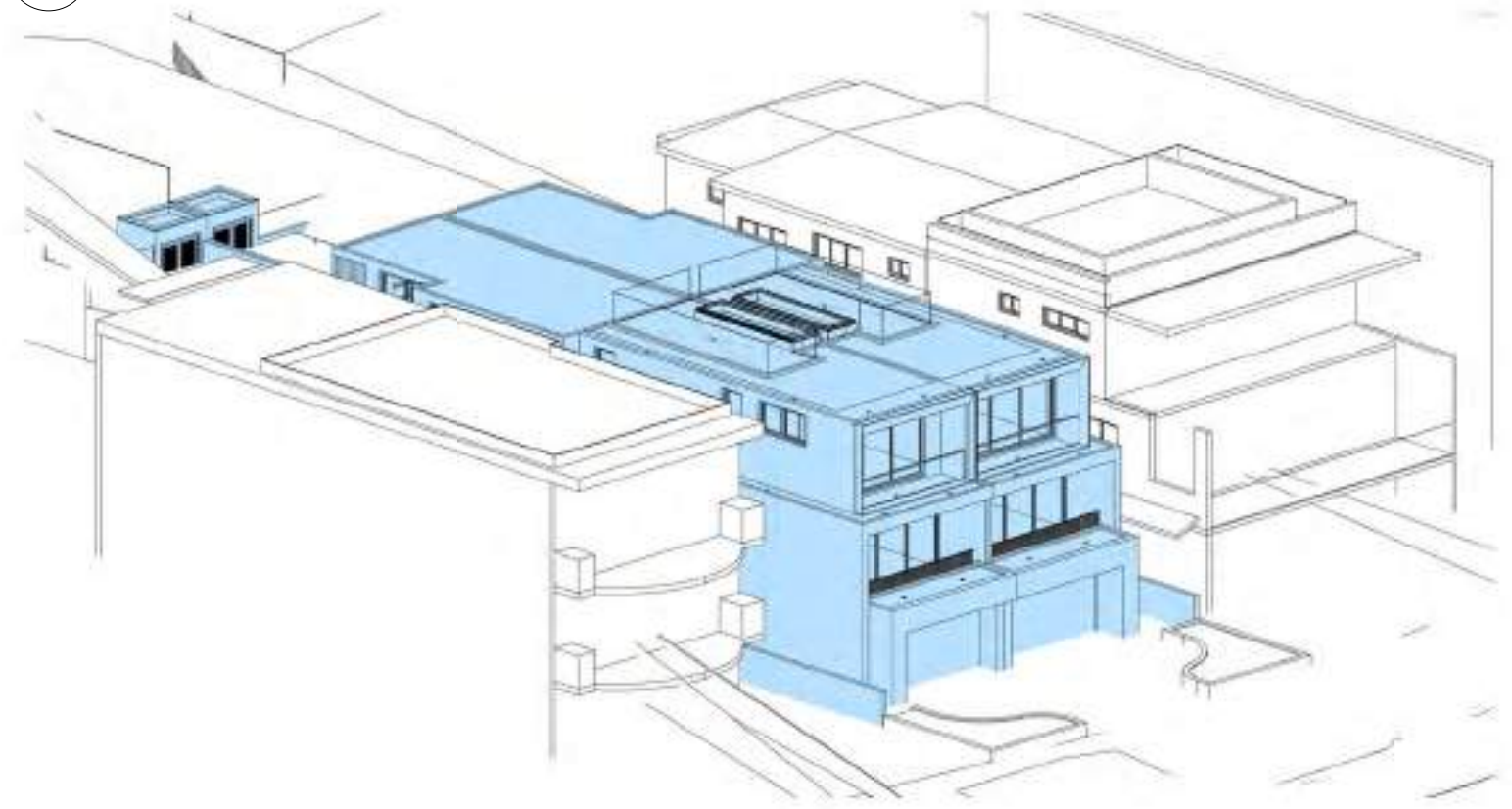
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1 PERMISSIBLE BUILDING ENVELOPE



2 PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 3PM

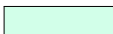
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LEGEND

 PERMISSIBLE BUILDING ENVELOPE

 PROPOSED BUILDING ENVELOPE

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PROJECT

50 GILBERT STREET, DOVER HEIGHTS

NEW ATTACHED DUAL OCCUPANCY


MR. OMRI KATZ

SOLAR EYES DIAGRAMS - WINTER SOLSTICE (3PM)

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BJB Architects Pty Ltd
Nominated Architect:
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ARTIFICIAL LIGHTING:
BALUSTRADE HEIGHTS:
DRAINAGE GUTTERS & DOWNPIPES:
ENERGY EFFICIENCY GLAZING:
FIRE SERVICES:
HOT WATER:
MASONRY:
MECH / ELEC / HYDRAULIC:
MECH. AIR CONDITIONING:
MECH. EXHAUST VENTILATION:
SMOKE ALARMS:
PENETRATIONS:

SOUND TRANSMISSION:
STAIR CONSTRUCTION:
WATERPROOFING OF WET AREAS:

TO COMPLY WITH BCA CLAUSE F4.4 & AS1680
TO COMPLY WITH BCA CLAUSE D2.16
TO COMPLY WITH AS/NZS 3500 3.2
TO COMPLY WITH BCA CLAUSE J2 & BASIX CERTIFICATE
TO COMPLY WITH BCA SECTION E
SYSTEMS TO COMPLY WITH BCA CLAUSE J7 & BASIX CERTIFICATE
TO COMPLY WITH AS3700
TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
TO COMPLY WITH BCA CLAUSE J5 & BASIX CERTIFICATE
TO COMPLY WITH AS1668 & AS68.2
TO COMPLY WITH BCA CLAUSE AND SPECIFICATION E2.2 & AS3786
THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELEC/HYDRAULIC
PENETRATIONS, TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
TO COMPLY WITH BCA PART 5
TO COMPLY WITH BCA CLAUSE D2.13
TO COMPLY WITH AS3740

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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

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MR. OMRI KATZ

3D PERSPECTIVE

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HEIGHTS

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MR. OMRI KATZ

3D PERSPECTIVE

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2021-006

A2102



Modification of Consent

Report to the Waverley Local Planning Panel

Application number	DA-181/2018/A
Site address	16 Thompson Street, Tamarama
Proposal	Modification to alter internal layout, amend roof line, adjustments to window sizes and locations, external screens, planters, changes to swimming pool and pool terrace
Description of Approved Development	Demolition of dwelling and ancillary structures, and the construction of a three storey plus basement dwelling house, in-ground swimming pool and retaining walls
Date of lodgement	16 September 2021
Owner	Mr M Satha
Applicant	Mr M K Satha
Submissions	2 submissions received
Amended cost of works	\$2,215,000 (no change)
Principal Issues	Nil
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-181/2018 for the demolition of the existing dwelling and construction of a three storey plus basement dwelling house at the site known as 16 Thompson Street, TAMARAMA. In summary, the proposed modifications are for amendments to the internal layout and changes to external windows.

A total number of 2 submissions were received and the issues raised in the submissions have been considered and addressed in this report.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 19 October 2021.

The site is identified as Lot 11 in DP 17140, known as 16 Thompson Street, TAMARAMA. The site is irregular in shape with a north front boundary measuring 12.19m, east side boundary measuring 42.67m, south rear boundary measuring 14.985m and west side boundary measuring 43.605m. The site has an area of 564.9m² and falls towards the rear of the site by approximately 3.36m. The site has a significant fall from west down to east as well as a cross fall from the front of the site down to the rear.

The site is occupied by a three storey dwelling with vehicular access provided from Thompson Street and a garage located at the front of the site.

The subject site is adjoined by detached dwellings on either side. The locality is generally characterised by low density residential developments ranging from one to three storeys in height, in a mix of older and contemporary styles.

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



Figures 1 & 2: Subject site viewed from Thompson Street

1.3. Details of Approved Development

The original development application, known as DA-181/2018 for the demolition of dwelling and ancillary structures, and the construction of a three storey plus basement dwelling house, in-ground swimming pool and retaining walls, granted deferred commencement consent on 17 April 2019 by the Waverley Local Planning Panel. The deferred commencement conditions were satisfied on 18 October 2019 and the consent was activated. Construction has commenced on site.

1.4. Background

The modification application was lodged on 16 September 2021 and deferred on 7 October 2021 for the following reasons:

1. The applicant had calculated the FSR incorrectly and a response to Clause 4.4 Floor Space Ratio of Waverley Local Environmental Plan 2012 (Waverley LEP 2012) was required.
2. Privacy concerns relating to the extension of the first floor south facing balcony towards the western side.

On 15 October 2021, amended plans and documentation was provided to replace part of the first-floor balcony extension with a planter box to limit privacy concerns. Additionally, an updated FSR calculation plan was provided with a response to Clause 4.4 of Waverley LEP 2012. The amended plans form the basis of this assessment.

1.5. 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:

Basement Level

- Internal alterations to provide for a laundry and modifications to the storage layout.

Ground Floor

- Internal alterations to the floor level layout, including the removal of 2 bedrooms replaced with a study room; and
- The addition of a window to the eastern side of the garage;
- Minor amendments to the location of the east facing windows;
- Length and width of pool extended; and
- Removal of the external stairs and replacement with a retaining wall between the outdoor terrace and landscaped grass area in the rear.

First Floor

- Reconfiguration of internal layout, including the removal of the den room and addition of a study;
- Modification to the east facing windows to reflect the internal modifications;
- Extension of the rear balcony to the west to provide for a larger planter box; and
- Extension of the entrance to the north by 0.95m.

Second Floor

- Floor level lowered by 100mm;
- Reconfiguration of internal layout, including change in design of the pantry and reduction of void areas;
- Partial infill of approved void areas;
- Southern wall of the lift and bathroom reduced in size to provide for a larger planter box on the south facing rear balcony;
- Perforated screen wall along the southern wall of the bathroom and lift replaced with a solid wall;
- Screening along the western façade replaced from perforated screening to timber screening; and
- Screening along the northern façade replaced with glazing.

Roof Plan

- Extend the roof overhang along the western side by 0.3m.

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 30 September and 14 October 2021 and 2 submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP (Coastal Management) 2018.

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

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

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a dwelling house remains unchanged and continues to be permitted development in the R2 low density residential zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1 or 282.45m ²	0.68:1 or 385m ² Equating to a 36.3% non-compliance	0.73:1 or 414.9m ² Equating to a 46.89%	No See discussion below

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

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 29.9m², resulting in an overall FSR of 0.73:1. This culminates in an overall exceedance of the FSR development standard by 132.45m² or 46.89%. The net increase of FSR due to the proposed modifications represents 10.59% 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 proposed modifications retain the approved and compliant building height as well as the approved building envelope. The non-compliance can therefore be considered technical. The majority of the additional FSR will be contained within the approved basement where it will not*

contribute to density. The additional FSR will accommodate basement non-habitable areas to suit the needs of the future residents. Accordingly, an appropriate correlation between building heights and density will be maintained.

- The minor additional GFA is entirely contained within the approved building envelope and will therefore not contribute to the bulk and scale of the development. As the GFA will not change the approved built form, the dwelling will remain compatible with the desired future character of the area.
- 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), that does not mean that the amenity is not preserved for that dwelling. Preservation of amenity is a question to be posed in general and is not limited to one aspect of amenity such as loss of solar access. It is a question of fact and degree as to whether a certain impact on one aspect of amenity is such that the overall amenity of an affected property is or is not preserved (STM 123 No. 7 Pty Ltd v Waverley Council [2020] NSWLEC 1495 at [75]).
- As the minor additional GFA relates to non-habitable areas and is entirely contained within the approved envelope, the environmental amenity of neighbouring properties and the locality will be preserved. The majority of the additional GFA is located within the Basement Level and will have no impact on amenity. The approved extent of the basement will be retained.

As mentioned by the applicant above, the additional calculable FSR on site is strictly internal space only and the external built form envelope will not be modified in any way. As such, there will be no additional amenity impacts to neighbouring properties relating to scale, bulk, overshadowing, overlooking or view impacts. The proposed FSR is acceptable in this situation, given that the development proposes the infill of an existing void and the replacement of a storage area to a laundry.

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

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

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Table 2** of this report and detailed discussion below the table.

Table 2: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

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

Development Control	Compliance	Comment
2.3 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	The only modifications that would be visible from the streetscape include the replacement of the perforated screen with a glazed window along the second floor northern elevation opposite the void area, the minor change in size and location to the previously approved window (W-L1 05) to the main bedroom on the first floor level and the entry portico. Particularly, the replacement of the perforated screen will not detract from the overall visual quality of the dwelling and will maintain a similar architectural quality when viewed from Thompson Street.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	<p>The proposed modifications to the east facing windows on the ground and first floor will not result in additional overlooking concerns to the neighbouring property to the east. The modifications are minimal in nature and comply with the controls. Therefore, the minor relocation of the windows are acceptable in this instance.</p> <p>The addition of the east facing window of the garage will look directly into the front setback of the neighbouring property to the east. Furthermore, the window will occupy a non-habitable area and therefore complies with the controls of this part of the DCP.</p> <p>The extension of the first floor planter box along the southern side of the dwelling will not impact on overlooking to the neighbouring property to the west as it will not be accessible for occupants.</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	Shadow diagrams have been submitted detailing that the extension of the roof towards the western boundary by 0.3m will result in a slight increase in overshadowing to the neighbouring properties to the west at 9am. However, the neighbouring properties to the west will receive more than the required amount of sunlight during the winter solstice in accordance with the control. As such, no concerns are raised with regard to solar access.
2.10 Swimming pools and spa pools		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	The increase in size of the pool at the rear will not impact on the amenity to surrounding properties. The pool is proposed to remain in the rear of the site.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 30 September and 18 October 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The additional information included the reduction in size of the trafficable area of the first floor balcony at the rear; and
- The floor area was not modified, rather clarification was provided as to what areas were to be included in the FSR calculations.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

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

Table 3: Number of and where submissions were received from.

Count	Property Address
1.	146 Hewlett Street, TAMARAMA
2.	18 Thompson Street, TAMARAMA

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

- Privacy concerns relating to the addition of the east facing window servicing the garage.

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

Issue: Concerns relating to stormwater runoff on site.

Response: Stormwater management was approved under the previous application and the proposed modifications will not impact on the approved stormwater management on site.

Issue: Privacy concerns from the ground floor east facing windows onto No. 18 Thompson Street

Response: The proposed modifications of the ground floor east facing windows will not result in additional overlooking to the neighbouring property from what has previously been proposed. The slight relocation of windows are considered to be minor and are acceptable.

2.2.5. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-181/2018 for the demolition of the existing dwelling and ancillary structures, and the construction of a three storey plus basement dwelling house, in-ground swimming pool and retaining walls at the site known as 16 Thompson Street, TAMARAMA. In summary, the proposed modifications are for modification to alter the internal layout, amend the roof line, adjustments to window sizes and locations, external screens, planters, and changes to the swimming pool and pool terrace.

A total number of 2 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 relevant sections of the Act and is recommended for approval subject to conditions of consent.

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 23 November 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:



Katie Johnstone
Senior Development Assessment Planner

Date: 23 November 2021

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



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

Date: 24 November 2021

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 – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Madeleine Blanchfield Architects, as detailed below:

Plan description	Revision No / Date	Date received by Council
DA.101 S4.55 101 Site Plan	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.301 S4.55 301 Basement Floor Plan	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.302 S4.55 302 Ground Floor Plan North	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.303 S4.55 303 Ground Floor Plan South	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.304 S4.55 304 First Floor Plan	E / 1 August 2019 B / 10/11/2021	16 September 2019 15 October 2021
DA.305 S4.55 305 Second Floor Plan	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.306 S4.55 306 Roof Plan	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.401 S4.55 401 North Elevation – Thompson Street	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.402 S4.55 402 East Elevation - Sheet 1	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.403 S4.55 403 East Elevation - Sheet 2	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.404 S4.55 404 South Elevation - Rear	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.405 S4.55 405 West Elevation - Sheet 1	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.406 S4.55 406 West Elevation - Sheet 2	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.501 S4.55 501 Longitudinal Section A - Sheet 1	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.502 S4.55 502 Longitudinal Section A - Sheet 2	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021
DA.503 S4.55 503 Cross Section B	E / 1 August 2019 A / May 2021	16 September 2019 16 September 2021

(b) Landscape plans and associated documentation, prepared by Dungar Barin Smith, DWG No. DA01-2818 to DA04-2818 (Revision B), dated 8 August 2019; paling fence details,

dated 8 August 2019; and management and maintenance schedule, dated 1 August 2019.

- (c) BASIX and NatHERs Certificate; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (e) ***Schedule of materials and finishes, submitted to Council on 16 September 2021.***

except where amended by the following conditions of consent.

(AMENDED BY DA-181/2018/A)

APPENDIX B – FULL SET OF CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Madeleine Blanchfield Architects, as detailed below:

Plan description	Revision No / Date	Date received by Council
S4.55 101 Site Plan	A / May 2021	16 September 2021
S4.55 301 Basement Floor Plan	A / May 2021	16 September 2021
S4.55 302 Ground Floor Plan North	A / May 2021	16 September 2021
S4.55 303 Ground Floor Plan South	A / May 2021	16 September 2021
S4.55 304 First Floor Plan	B / 10/11/2021	15 October 2021
S4.55 305 Second Floor Plan	A / May 2021	16 September 2021
S4.55 306 Roof Plan	A / May 2021	16 September 2021
S4.55 401 North Elevation – Thompson Street	A / May 2021	16 September 2021
S4.55 402 East Elevation - Sheet 1	A / May 2021	16 September 2021
S4.55 403 East Elevation - Sheet 2	A / May 2021	16 September 2021
S4.55 404 South Elevation - Rear	A / May 2021	16 September 2021
S4.55 405 West Elevation - Sheet 1	A / May 2021	16 September 2021
S4.55 406 West Elevation - Sheet 2	A / May 2021	16 September 2021
S4.55 501 Longitudinal Section A - Sheet 1	A / May 2021	16 September 2021
S4.55 502 Longitudinal Section A - Sheet 2	A / May 2021	16 September 2021
S4.55 503 Cross Section B	A / May 2021	16 September 2021

- (b) Landscape plans and associated documentation, prepared by Dungar Barin Smith, DWG No. DA01-2818 to DA04-2818 (Revision B), dated 8 August 2019; paling fence details, dated 8 August 2019; and management and maintenance schedule, dated 1 August 2019.
- (c) BASIX and NatHERs Certificate; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (e) Schedule of materials and finishes, submitted to Council on 16 September 2021.

except where amended by the following conditions of consent.

(AMENDED BY DA-181/2018/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Updated BASIX Certificate to accord with the architectural plans herein approved shall be submitted.
- (b) To reduce the dominance of parking to the streetscape, the garage door width shall be reduced to a maximum of 6m and the remaining frontage of this elevation finished in a solid material that correlates with the design of the dwelling. The driveway shall be reduced accordingly, so that a landscape strip is provided (between garage entry and stairs to public domain) and there shall be a clear delineation between vehicle and pedestrian access.

The amendments are to be submitted for the approval of Council to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council.

3. APPROVED USE - DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house.

4. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 450mm from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$26,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

9. PUBLIC DOMAIN WORKS – THOMPSON STREET ROAD RESERVE

- (a) Public domain works to the frontage of the site are required to restore this public area to a presentation that aligns with Council Public Domain Guidelines, rather than be finished in materials and scheme that reflect the design of the adjacent dwelling of No 16 Thompson Street. On this basis, the pedestrian access to the dwelling (No 16), the stairs and associated works may remain subject to:
- i. Removal of lighting from Council land;
 - ii. Restoration of stairs and associated works to meet Council's Public Domain Improvements Manual;
 - iii. Painting to be modified to a style and colour chosen by Council;
 - iv. Handrail to be replaced with a white timber post and rail.
 - v. Clear delineation between vehicles and pedestrians at the front of the site.
 - vi. Introduction of increased landscaping forward of garage (upon garage door being reduced in width).

All pavement treatments and works shall be approved by Council. Works to be done by the applicant at their expense and to the satisfaction of Council.

- (b) Prior to the issue of the Construction Certificate, detailed drawings of the works proposed within the Thompson Street road reserve shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The detailed engineering drawings shall show the full extent of the upgrading / reconstruction proposed to the existing driveway, bounding walls, lighting and pedestrian stairs.

10. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Thompson Street carriageway, the kerb and gutter, footpath and the garage floors.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show all paving on Council's land being sloped/ drained towards the roadway.
6. Include a separate drawing of any adjustments required to the level of Councils road reserve to provide suitable vehicular access to and from the site.

11. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

12. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

13. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

15. GEOTECHNICAL ENGINEERS REPORT

The Geotechnical Engineers Report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

16. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

The Structural Engineers Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

17. ENGINEERING DETAILS

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

18. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

19. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approved by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

20. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

21. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

22. LANDSCAPED SLABS

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

23. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. PRIOR TO SITE WORKS

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

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

25. HOME BUILDING ACT

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

26. CONSTRUCTION SIGNS

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

27. OBSTRUCTION TO PUBLIC AREAS

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

28. COMPLIANCE WITH SAFE WORK NSW

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

29. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

30. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

31. DEMOLITION & SITE PREPARATION

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

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

32. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

- (f) describe the disposal methods for hazardous materials.

33. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

34. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

35. EXCAVATION AND BACKFILLING

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

36. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the

owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

37. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

38. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

39. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

40. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;

- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering **to Council, and possibly NSW EPA throughout construction;**
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

41. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

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

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

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

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

43. NATIONAL CONSTRUCTION CODE (NCC)

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

44. CONSTRUCTION INSPECTIONS

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

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

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

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

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling pool.

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

45. CERTIFICATE OF SURVEY – LEVELS

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

46. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying

Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

47. SERVICE PIPES

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

48. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

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

49. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

50. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the proposed pool/spa is not to exceed a maximum height of RL 34.22;
- (f) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

51. NO WORKS BEYOND BOUNDARIES

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

52. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

53. FINAL OCCUPATION CERTIFICATE

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

54. STORMWATER MANAGEMENT

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

55. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

56. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (e) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

57. POOL MANUFACTURER'S CERTIFICATION

The proposed fibreglass pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

58. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

59. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

60. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

61. PARKING ON-SITE

In accordance with Council policy, parking on-site is limited to 2 vehicles.

Advice to Applicant

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

Sydney Water Requirements

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

DIAL BEFORE YOU DIG

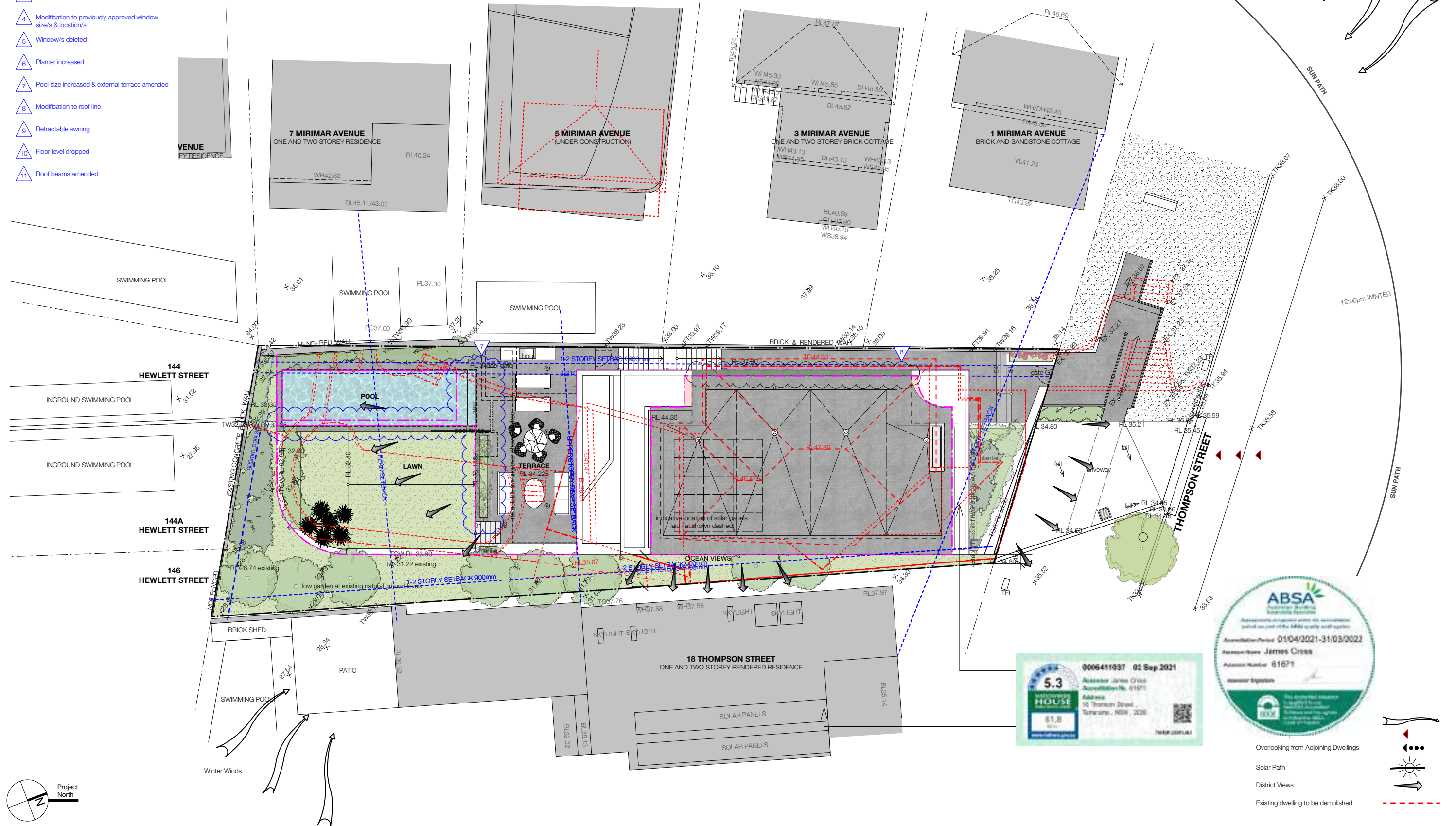
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- 1 Materials amended
- 2 Internal modification to layout
- 3 Additional window/s proposed
- 4 Modification to previously approved window size/s & location/s
- 5 Window/s deleted
- 6 Planter increased
- 7 Pool size increased & external terrace amended
- 8 Modification to roof line
- 9 Retractable awning
- 10 Floor level dropped
- 11 Roof beams amended

Site plan showing Thompson Street, Sun Path, and various elevation points. The plan includes a sun symbol in the upper left corner, indicating the sun's position. The Sun Path is shown as a curved line. The Thompson Street is shown as a straight line. The plan includes several elevation points marked with 'X' and 'TK' (e.g., TK38.07, TK38.00, TK38.94, TK35.58, TK35.59, TK35.94, TK35.93, TK35.92, TK35.91, TK35.90, TK35.89, TK35.88, TK35.87, TK35.86, TK35.85, TK35.84, TK35.83, TK35.82, TK35.81, TK35.80, TK35.79, TK35.78, TK35.77, TK35.76, TK35.75, TK35.74, TK35.73, TK35.72, TK35.71, TK35.70, TK35.69, TK35.68, TK35.67, TK35.66, TK35.65, TK35.64, TK35.63, TK35.62, TK35.61, TK35.60, TK35.59, TK35.58, TK35.57, TK35.56, TK35.55, TK35.54, TK35.53, TK35.52, TK35.51, TK35.50, TK35.49, TK35.48, TK35.47, TK35.46, TK35.45, TK35.44, TK35.43, TK35.42, TK35.41, TK35.40, TK35.39, TK35.38, TK35.37, TK35.36, TK35.35, TK35.34, TK35.33, TK35.32, TK35.31, TK35.30, TK35.29, TK35.28, TK35.27, TK35.26, TK35.25, TK35.24, TK35.23, TK35.22, TK35.21, TK35.20, TK35.19, TK35.18, TK35.17, TK35.16, TK35.15, TK35.14, TK35.13, TK35.12, TK35.11, TK35.10, TK35.09, TK35.08, TK35.07, TK35.06, TK35.05, TK35.04, TK35.03, TK35.02, TK35.01, TK35.00, TK34.99, TK34.98, 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AB 1/9/21
DRAWN DATE

Project
4026 - SATHA RESIDENCE
16 THOMPSON STREET, TAMARAMA
LOT 11, DP 17140

FOR SECTION 4.55 APPLICATION ONLY

Drawing
SITE PLAN

Scale
1:200 @ A3

Date
MAY 2021

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64.55 101 A

5 MIRIMAR AVENUE
UNDER CONSTRUCTION

3 MIRIMAR AVENUE
ONE AND TWO STOREY BRICK COTTAGE

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Waverley Council

Application No: DA-181/2018/A

Date Received: 16/09/2021

1 MIRIMAR AVENUE
ONE AND TWO STOREY SANDSTONE COTTAGE

SCHEDULE OF SECTION 4.55 MODIFICATIONS

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Location of overslung OSD tank refer to stormwater engineer's documentation for details

Location of rainwater tank to meet BASIX requirements

Footprint of existing ground floor shown dashed red for clarity

Footprint of ground floor above shown dashed red



WALL TYPE, AREAS & MATERIALS LEGEND

	DA-181/2018 approved walls/structure		New increase to DA approved envelope section/plan	AWR	Awning - retractable
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	DA-181/2018 approved demolition		Reduction to DA-181/2018 approved envelope	GLS	Glass
	DA-181/2018 approved envelope			MTL	Metal, primed, painted
				RDR	Render
				SCR	Screen

FOR SECTION 4.55 APPLICATION ONLY

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0 1 2 3 4 5 M

Drawing
BASEMENT FLOOR PLAN

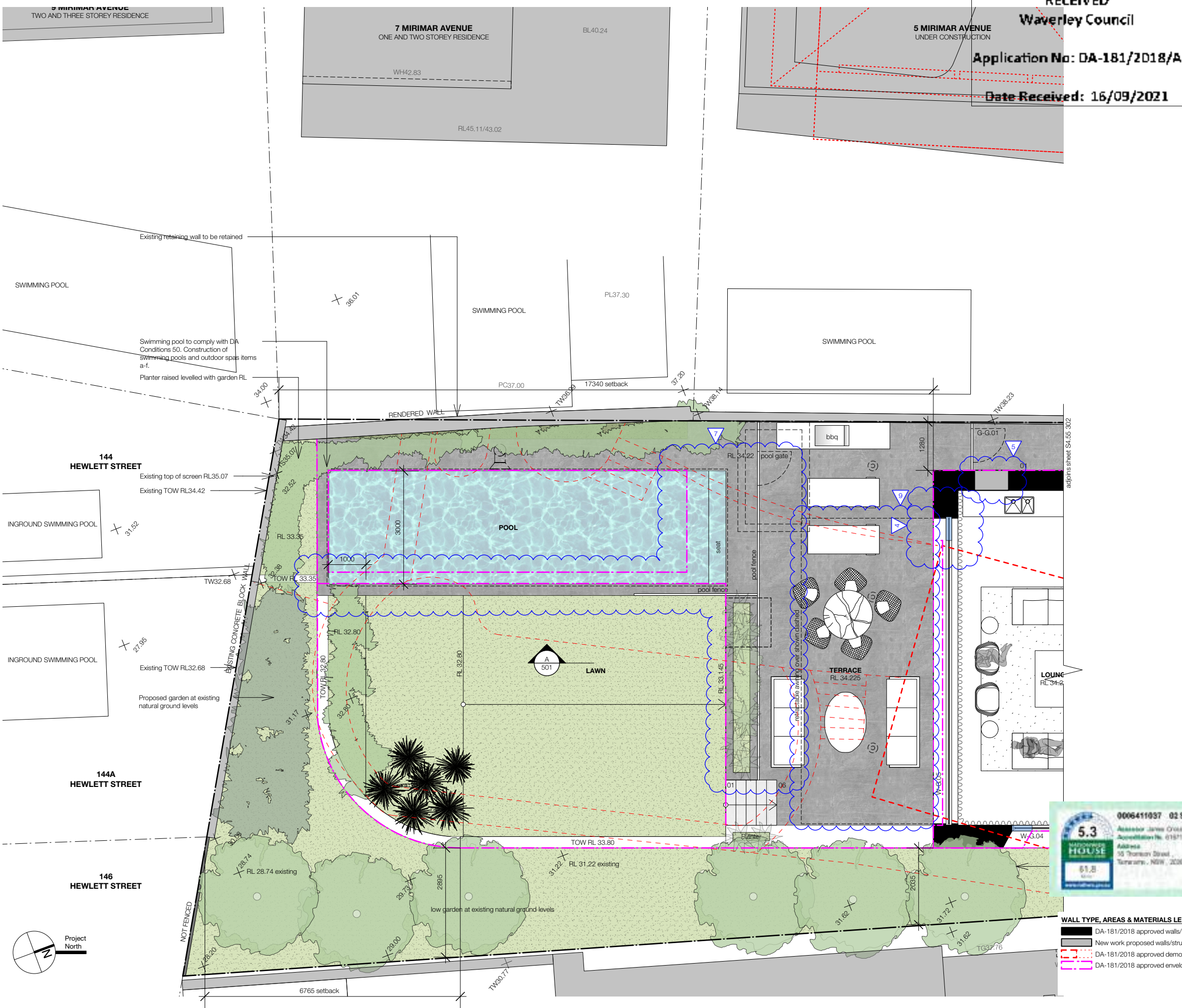
Scale
1:100 @ A3

Date
MAY 2021

Drawing Rev.
S4.55 301 A

SCHEDULE OF SECTION 4.55 MODIFICATIONS

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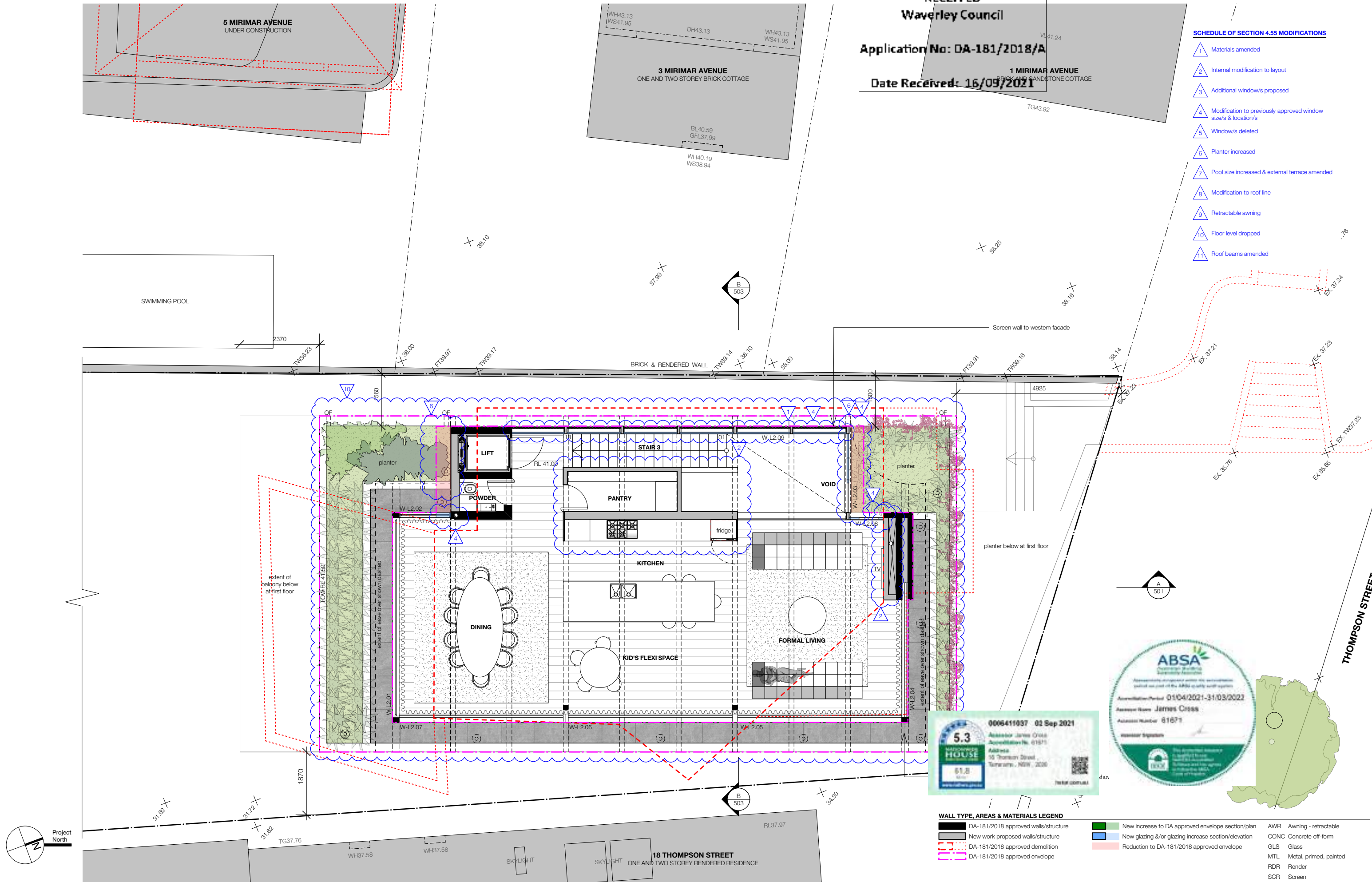


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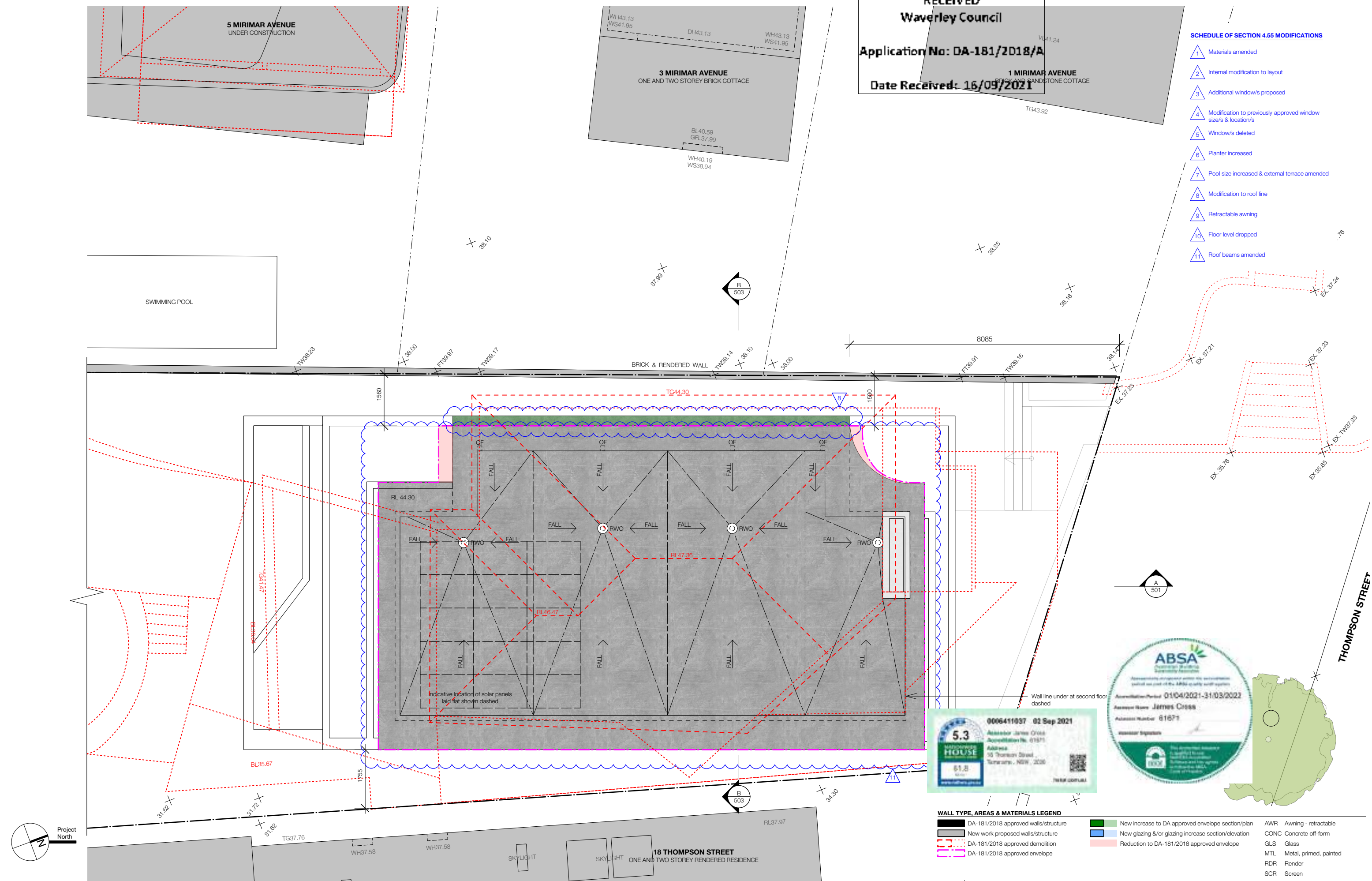
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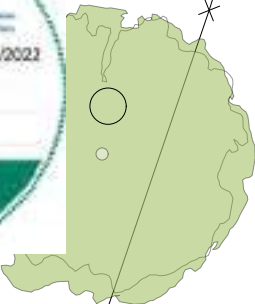
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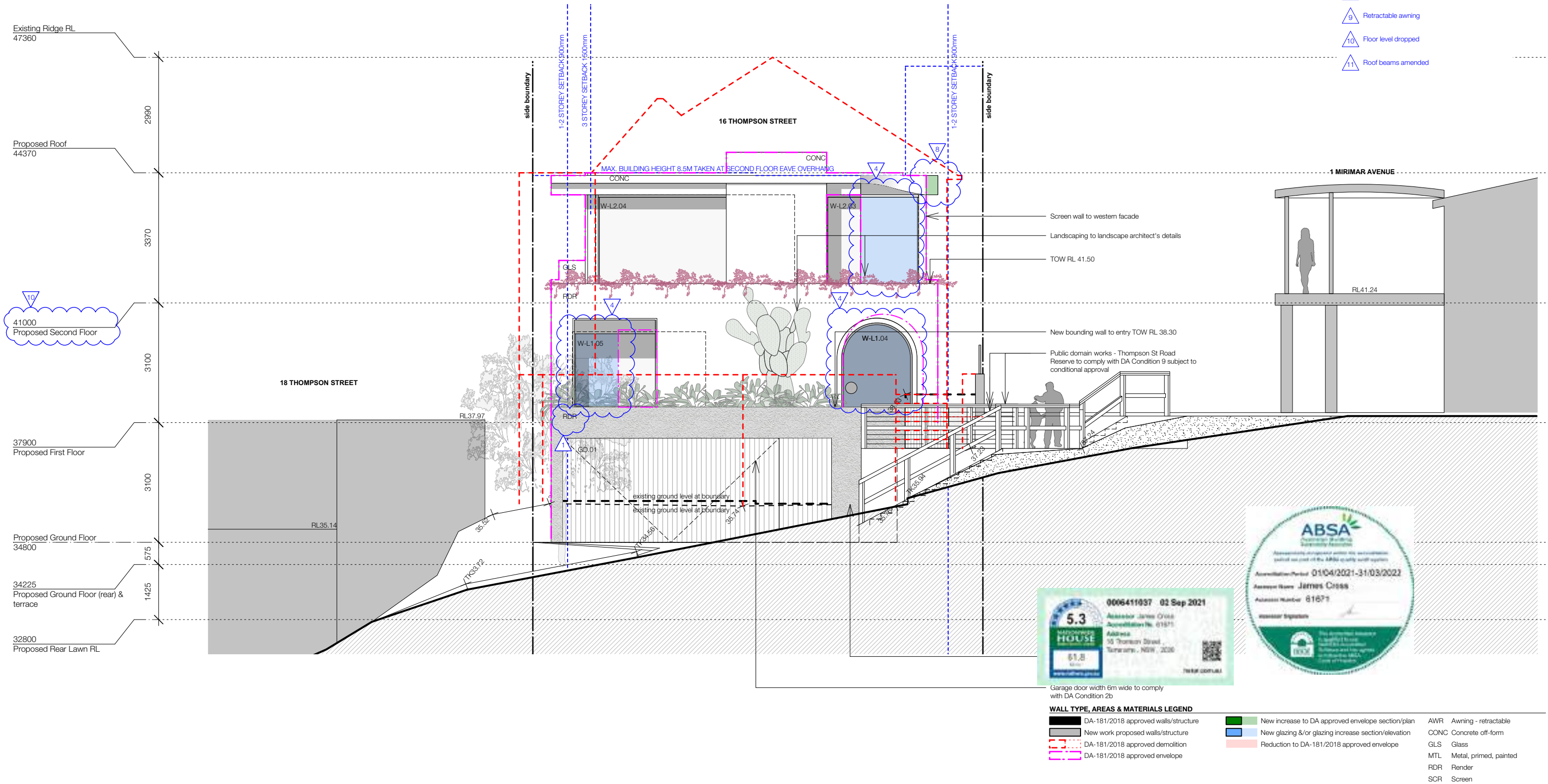
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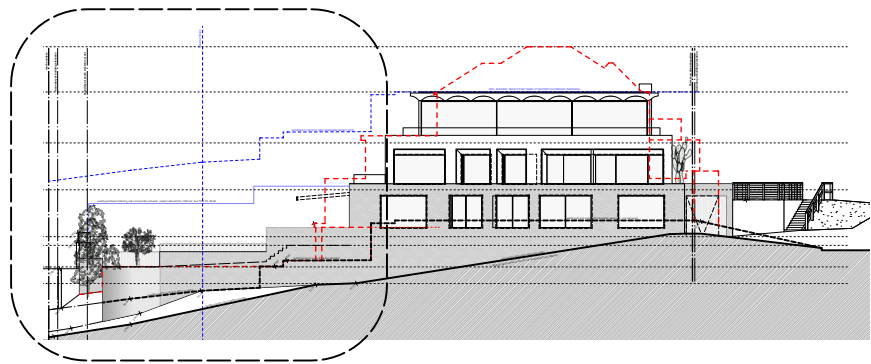
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1 FULL SITE ELEVATION - EAST
Scale: 1:500

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Existing Ridge RL
47360

Proposed Roof
44370

37900
Proposed First Floor

Proposed Ground Floor
34800

34225
Proposed Ground Floor (rear) & terrace

32800
Proposed Rear Lawn RL
Proposed Basement
31700

144A HEWLETT STREET

existing rendered retaining wall on boundary between subject site and No.7 Mirimar Ave TOW RL 36.99

WAVERLEY LEP 2012 MAX. BUILDING HEIGHT 8.5M

adjoins sheet S4.55 402

Retractable awning in distance shown dashed in open position

Landscaped planter - details of planting to landscape architects details

Proposed trees refer to landscape architects drawings for details

Proposed lawn level RL 32.80



WALL TYPE, AREAS & MATERIALS LEGEND

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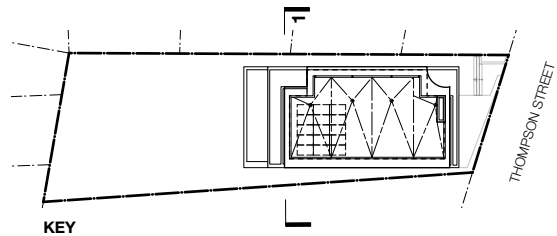
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Drawing
EAST ELEVATION - SHEET 2

Scale
1:100 @ A3

Date
MAY 2021

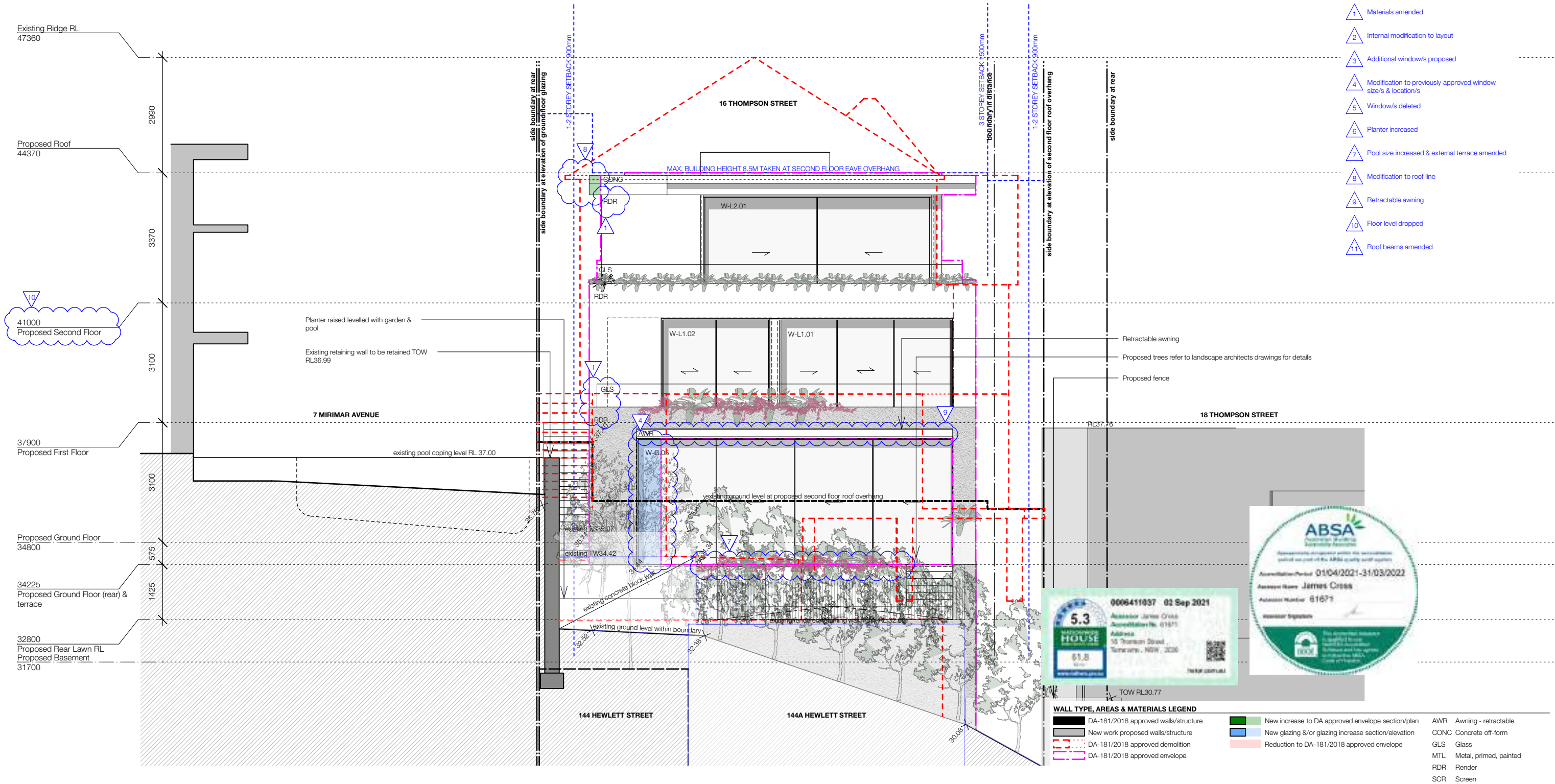
Drawing Rev.
S4.55 403A



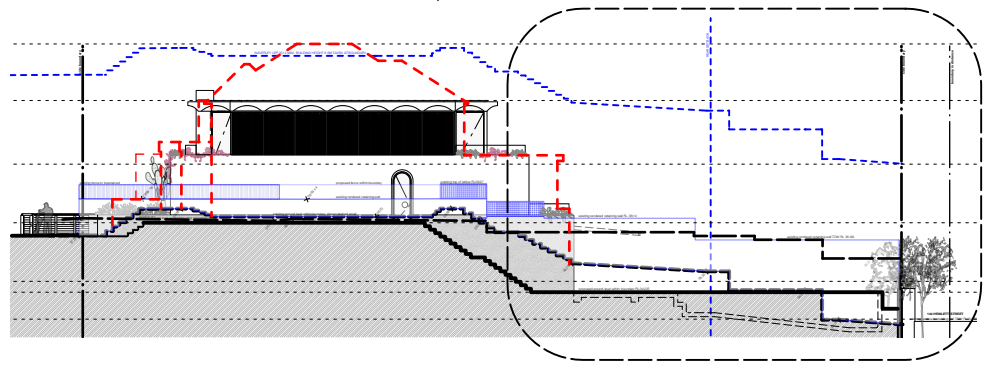
1 section through proposed second floor roof overhang - ground line shown on elevation

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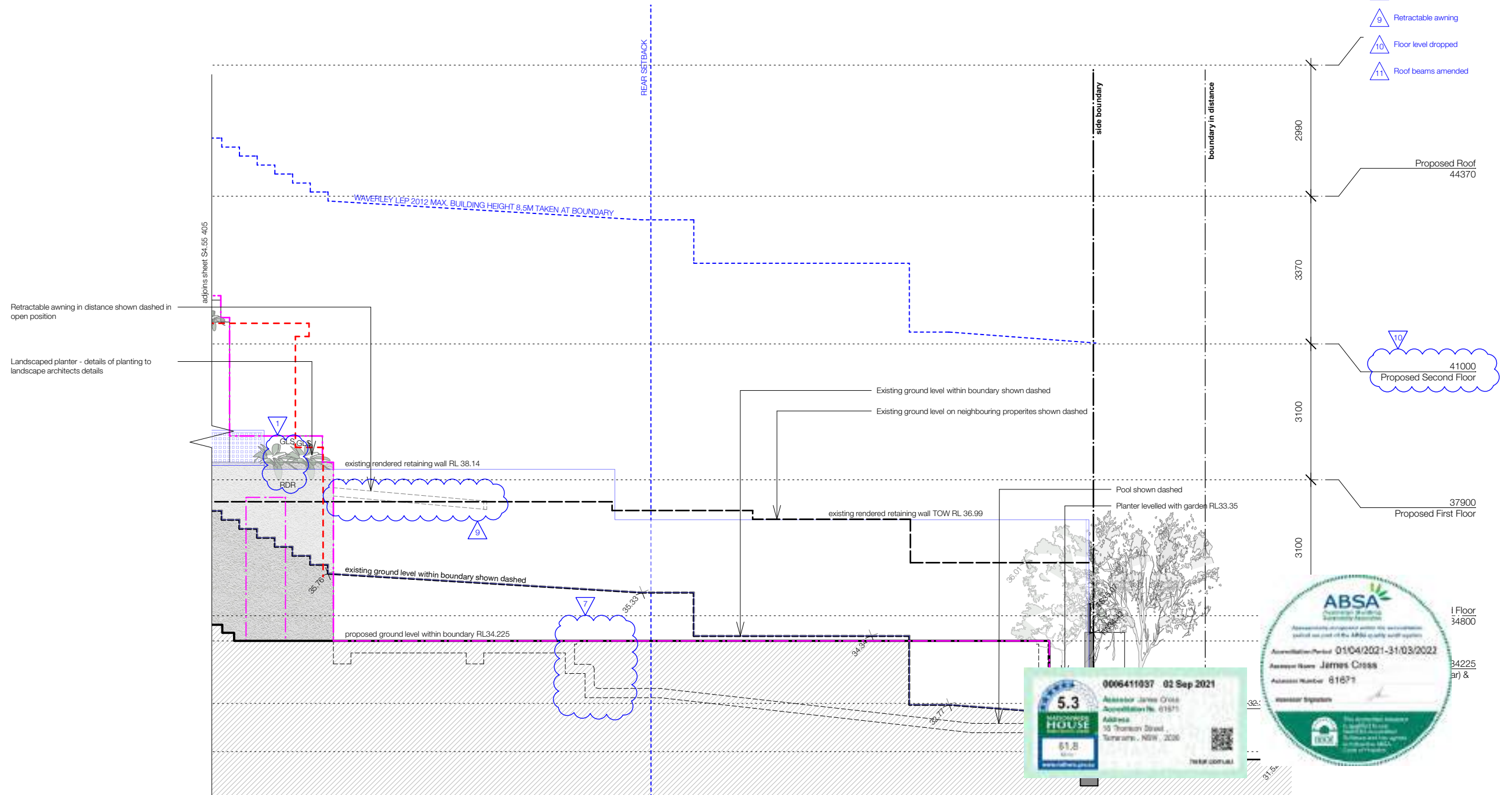


2 FULL SITE ELEVATION - WEST
Scale: 1:400

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Date Received: 16/09/2021

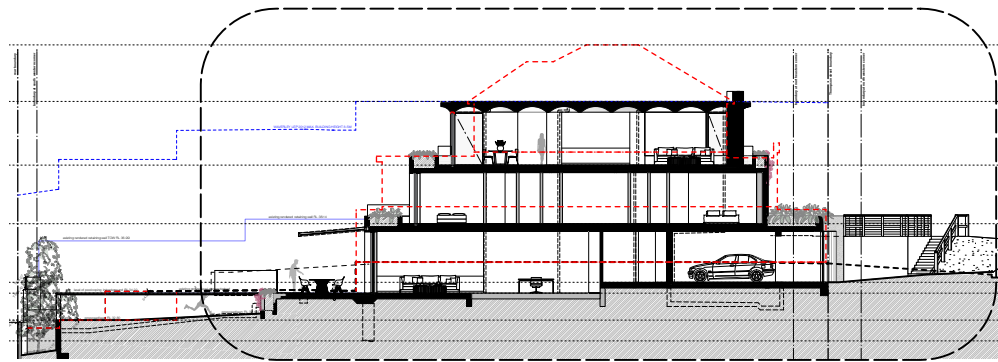
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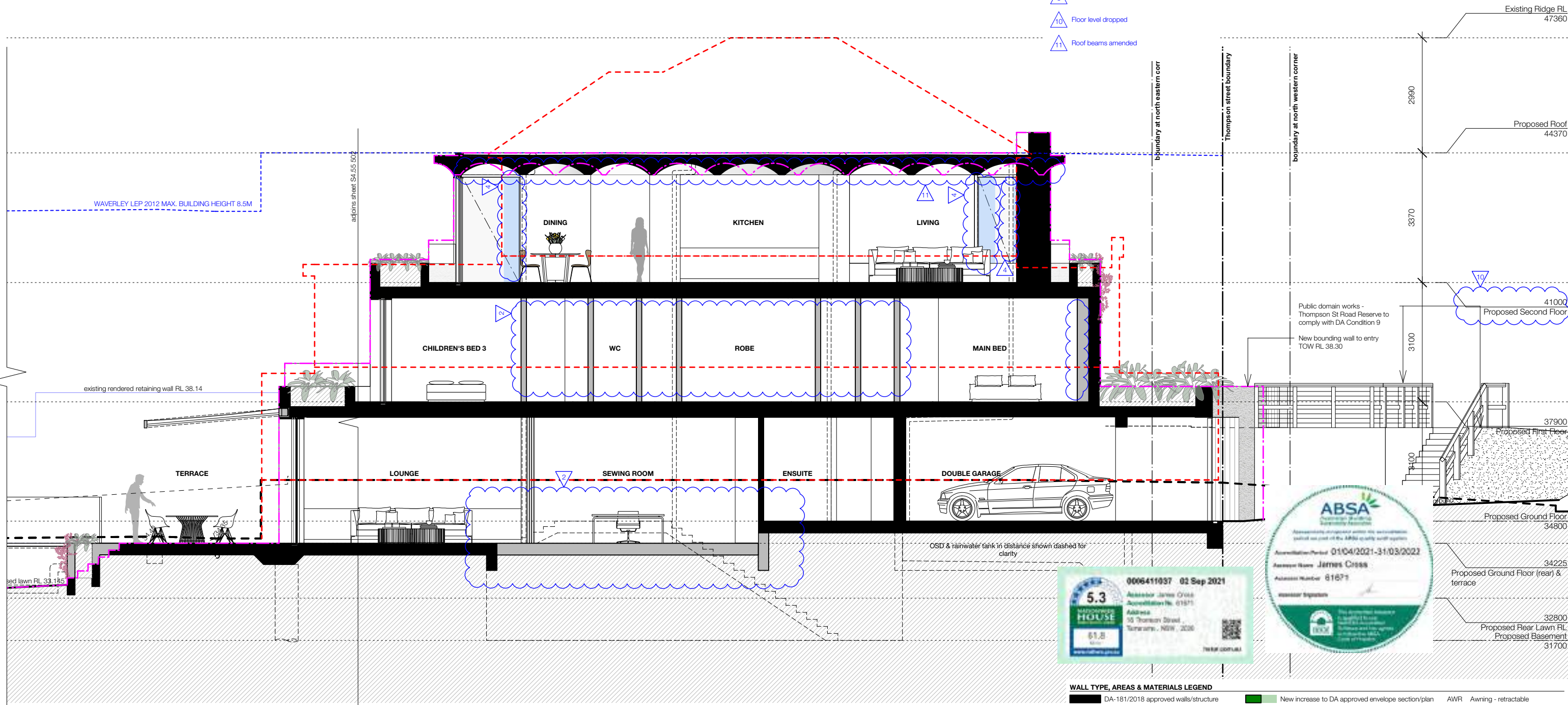
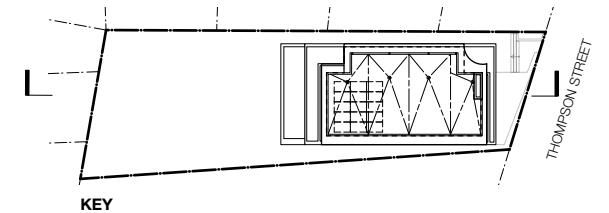
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2 FULL SITE SECTION - LONGITUDINAL
Scale: 1:400

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Application No: DA-181/2018/A
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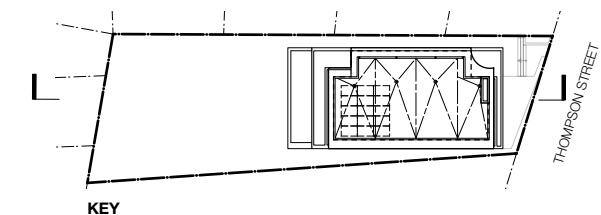









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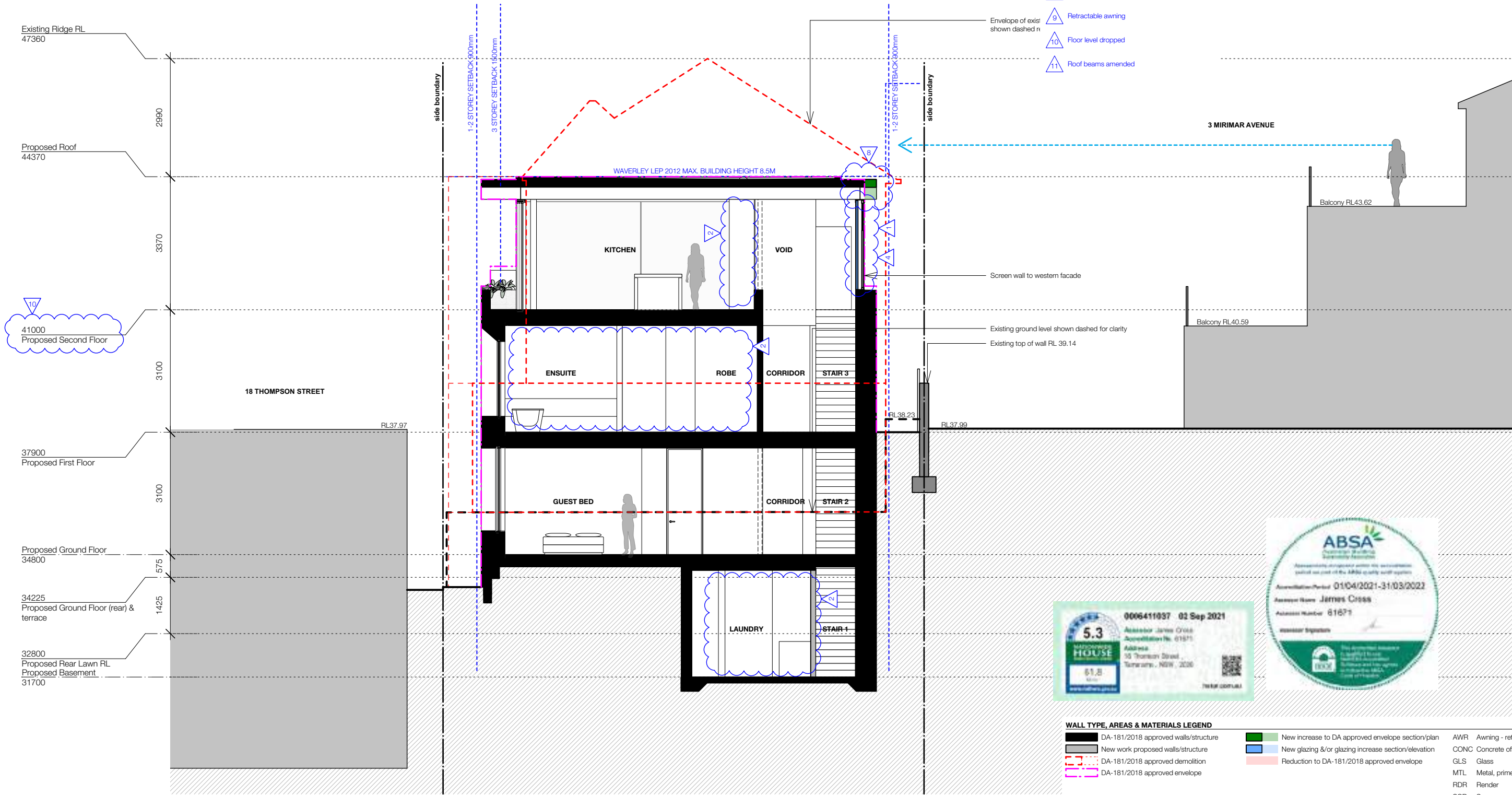
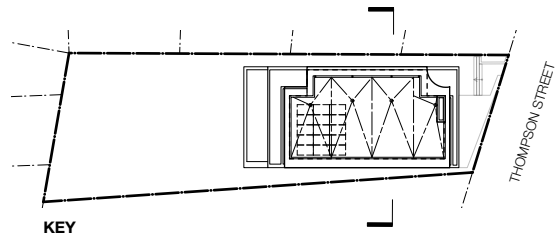
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SCHEDULE OF SECTION 4.55 MODIFICATIONS

Application No: DA-181/2018/A

Date Received: 16/09/2021



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Report to the Waverley Local Planning Panel

Application number	DA-354/2021
Site address	4 Ruthven Street, Bondi Junction
Proposal	Alterations and additions to an attached dwelling including ground and first floor extension, new attic level addition with rear dormer and hardstand parking space to the rear
Date of lodgement	03 September 2021
Owner	Mrs J L Hepschke and Mr P I Hepschke
Applicant	Jenny Hepschke
Submissions	Nil
Cost of works	\$430,610.00
Principal Issues	<ul style="list-style-type: none"> Breach to Floor Space Ratio (FSR)
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



(Source: Nearmap, 2021)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to an attached dwelling including ground and first floor extension, new attic level addition with rear dormer and hardstand parking space to the rear at the site known as no. 4 Ruthven Street, Bondi Junction.

The principal issues arising from the assessment of the application relate to the breach to FSR.

The assessment finds this issue acceptable as a well founded Clause 4.6 Variation was submitted with the application justifying that the breach to FSR met the objectives of the FSR development standard and the Medium Density Residential (R3) zone and did not result in unreasonable environmental impacts to surrounding residents.

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 21 September 2021.

The site is identified as Lot 2 in DP 250200, known as no. 4 Ruthven Street, BONDJ JUNCTION.

The site is rectangular in shape with a primary western frontage to Ruthven Street measuring 4.845m and a secondary eastern frontage to Gowrie Lane of 4.61m. It has an area of 118.2m² and is generally flat.

The site is occupied by a two storey attached dwelling with no vehicular access to the site.

The site is adjoined by a two storey attached dwelling to the north (no. 2 Ruthven Street) and a two storey attached dwelling with an attic addition to the south (no. 6 Ruthven Street). The locality is characterised by majority attached dwellings.

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



Figure 1: Front of subject site as viewed from Ruthven Street, looking east.



Figure 2: Rear of subject site as viewed from Gowrie Lane, looking west.

1.3. Relevant Development History

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

- DA-337/2007 for the installation for a roller door to Gowrie Lane was approved on 27 November 2007. However, a site visit confirmed these works were not commenced.

The search also revealed a relevant consent for no. 6 Ruthven Street:

- DA-18/2017 for alterations and addition to an attached dwelling including attic addition and ground and first floor rear additions was approved on 27 June 2017.

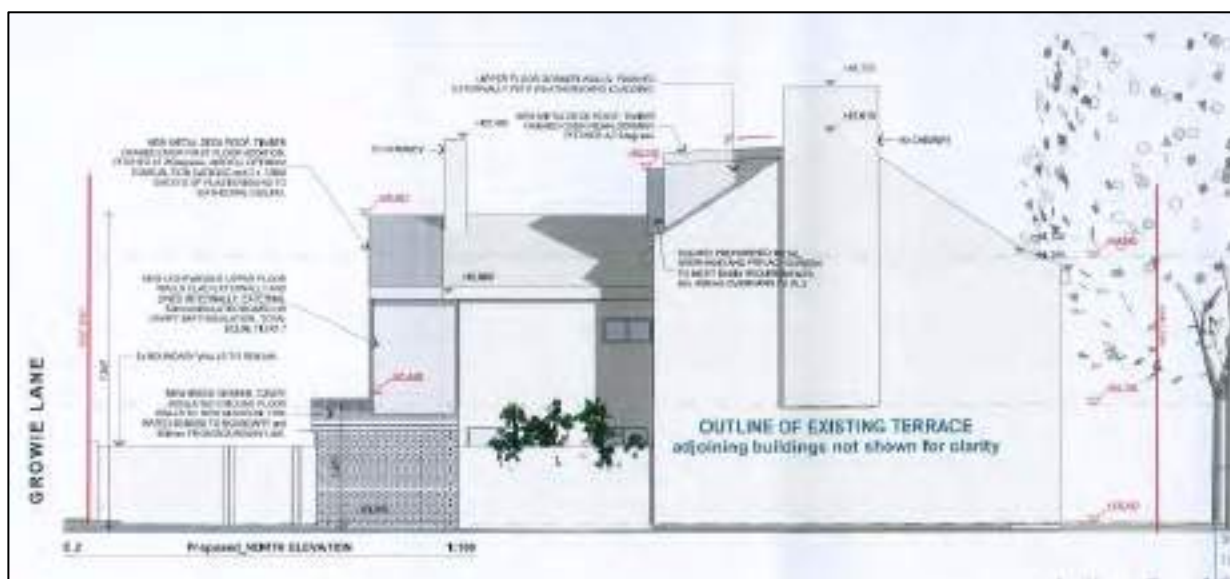


Figure 3: Approved plans of no. 6 Ruthven Street under DA-18/2017, demonstrating the proposal as similar to the subject development. (Source: Hargroves Design Consultants, 2017)

1.4. Proposal

The DA seeks consent for alterations and additions to an attached dwelling including ground and first floor addition, new attic level addition with rear dormer and hardstand parking space to rear, specifically the following:

Ground Floor

- Demolish rear portion of the existing ground floor;
- Demolish existing internal stairs;
- Construction of a rear addition around a proposed southern side atrium, containing kitchen, dinning room, laundry nook and internal stairs to first floor;
- Hardstand with associated garage door and crossover to Gowrie Lane; and
- Landscaping works to private open space and side atrium.

First Floor

- Demolish existing bathroom and bedroom 3 (rear portion of existing first floor);

- Construction of rear addition containing a bathroom, bedroom/office with balcony and internal stairs to the proposed attic addition.

Attic

- Construction of a bedroom, ensuite and associated skillion rear dormer.



Figure 4: Photomontage of the proposed works as from the rear of the site. (Source: Ergo Architecture and interiors, 2021)

1.5. Background

The DA was lodged on 3 September 2021 and deferred on 12 October 2021 for the following reasons:

1. A side atrium was to be incorporated into the ground floor design as a rear addition constructed to each side boundary was not supported;
2. Heritage matters were to be addressed including amendments to the materials and finishes and deletion of the front skylight;
3. The location of the garbage bin storage was to be shown on the plans;
4. The width of the driveway crossover was not to exceed 3m in width; and
5. Clarification was requested to be sought from a Structural Engineer that the existing chimney can be maintained during the construction phase of the development.

On the 10 September 2021 the Assessment Officer requested:

1. Elevational plans to the inside of the atrium;
2. Amended shadow diagrams; and
3. An updated Clause 4.6 Variation to reflect the correct breach to Floor Space Ratio (FSR).

Amended plans were provided to Council on the 9 and 11 November 2021, which contained the following amendments:

Ground Floor

- Incorporation of a side atrium to the southern boundary;
- Minor internal reconfiguration to work around the proposed side atrium;
- Adjustments to landscaping; and
- A reduced driveway crossover width of 3m.

First Floor

- Re-design to the ground floor roof to ensure an open side atrium.

Attic

- Deletion of the front skylight

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table <i>Medium Density Residential 'R3' Zone</i>	Yes	The proposal is defined as alterations and additions to an attached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	Yes	The proposed works have an overall height of 9.4m
4.4 Floor Space Ratio and 4.4A Exceptions to FSR • Lot Size: 118.2m ² • Max GFA: 115.2m ² • Max FSR 0.97:1	No	<u>Gross Floor Area (GFA) Calculations</u> Ground Floor: 66.5m ² First Floor: 56.5m ² Attic: 23.5m ² TOTAL GFA: 146.5m ² TOTAL FSR: 1.24:1 The proposed development breaches the FSR development standard by 31.3m ² or 27.2%.
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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is located within the Mill Hill Conservation Area and is identified as a heritage item, as it is example of late nineteenth century terrace row house. This will be discussed in more detail within Section 3.4 of this report.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 0.97:1. The proposed development has a FSR of 1.24:1, exceeding the standard by 31.1m² equating to a 27.2% 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 FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (i) The proposal meets the objectives of FSR.

- a. **Objective (b):** to provide an appropriate correlation between maximum building heights and density controls.

The LEP provides a maximum building height of 9.5m for the site. This would indicate that a three storey built form and corresponding FSR would be expected for the site.

As indicated in the SEE, the proposal has been designed to maintain the maximum building height, and the proposed works are contained under the LEP height line. The proposal makes the most efficient use of the existing built form, converting the underutilised roof space into a habitable attic. The resultant two storey built form with an attic level predominantly within the existing roof and the proposed FSR will complement the existing and emerging scale of development to Gowrie Lane and will make a positive contribution to the streetscape. Importantly, the dwelling will continue to appear as two storeys to Ruthven Street.

Also, as abovementioned, the proposal has been designed to provide consistency in bulk and scale with the neighbouring alterations and additions at No. 6 Ruthven Street, which also exceeded the FSR development standard. As such, it is noted that the variation to the development standard is contextually compatible with development in the surrounding area, and it is our opinion that the proposed correlation between density and height is appropriate.

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

The site is located within the R3 Medium Density Residential Zone and the area is characterised by a range of residential development of varying architectural styles and age.

The proposal upgrades the existing two storey terrace with architecturally designed alterations and additions that respond to the heritage listing of the dwelling, the existing built form and the bulk and scale of surrounding development, in particular No. 6 Ruthven Street.

The terrace will continue to present as two storeys to Ruthven Street and will present as a contemporary two storey terrace with an attic level to Gowrie Lane. This is consistent with the built form at No. 6 Ruthven Street, which includes contemporary

rear additions including a dormer resulting in a non-compliant FSR. The proposal maintains the maximum building height and the proposed works are located below the LEP height line. The proposal also complies with a majority of the built form and amenity controls of the DCP, resulting in a building envelope envisioned by Council's controls. The proposed FSR will result in a better design outcome in respect of volumetric above ground massing which is compatible with existing and emerging built forms in the locality.

It is noted that there are numerous approvals for residential alterations and additions in the R3 Medium Density Residential Zone with non-compliant FSR's which were supported by Waverley Council.

- c. **Objective (d):** to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.
The proposal has been designed to maintain and preserve the amenity of neighbouring development. As the additional floorspace is predominantly located within the new attic level which complies with the LEP height limit, the proposal will not appear inconsistent with the built form of similar development in the street and results in a building envelope that is in keeping with the existing and emerging character of Ruthven Street and Gowrie Lane at the rear.

The proposal provides appropriate setbacks and separation distances, similar to other rear additions along Gowrie Lane. The additional bulk at the upper levels includes two bathroom windows to the southern side at the first floor level which have a high sill level and are appropriately separated from adjoining development. The new attic level includes a dormer window which is also unlikely to result in adverse impacts as the window is orientated to the rear of the site and is associated with a bedroom only. The proposal is unlikely to shadow north facing windows and maintains reasonable solar access to surrounding development. Additionally, the proposal will not impact public and private views corridors. When considering visual impact, privacy, solar access and views, the proposal will preserve the amenity of surrounding development.

Accordingly, the proposed development is an appropriate scale and maintains the environmental amenity of neighbouring sites. The additional floor space is unlikely to affect the privacy, solar access or views obtained by neighbouring properties.

- (ii) The proposal meets the relevant objectives of the zone.

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

The proposal will retain the residential use of the site and will continue to provide housing within the medium density residential environment.

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

The proposal continues to provide a single residential dwelling on the site which contributes to the range of housing types within the medium density residential environment.

- c. To maximise public transport patronage and encourage walking and cycling.
The proposal includes the provision of a dual use courtyard which will provide occasional off street parking for one vehicle. However, the site also has access to public transport and is located within walking distance of a variety of services within the Bondi Junction Town Centre.

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

(i) Consistency with Surrounding Context

The proposal maintains the existing principal built form to Ruthven Street, includes extensions to the rear of the ground and first floor levels and a new attic level with an associated dormer protruding from the rear roof slope. As such, the proposal will continue to present as two storeys to Ruthven Street and will appear as two storeys with an attic level to the rear. This is consistent with the context of surrounding development to Gowrie Lane, in particular the alterations and additions at No. 6 Ruthven Street.

Enforcing strict compliance would result in a streetscape presentation to Gowrie Lane that is different to surrounding development, a number of which comprise contemporary rear additions, including attic levels. A reduced FSR would also minimise the potential for enhanced amenity on the site without noticeable benefits to neighbouring properties.

The built form is compliant with the LEP height limit and the proposal results in a building bulk which is consistent with the above ground visual massing of surrounding development.

(ii) Existing Heritage Listed Built Form

The existing built form has a GFA of 112.11m² and FSR of 0.95:1, which is just under the maximum allowable FSR. As such, it is inevitable that any considerable improvement works to the dwelling would result in a variation to the FSR development standard. The proposal only increases the GFA by 34.39m² and includes a new attic level within the existing roof form to enhance the internal amenity and to meet the modern living requirements of the owner. Strict compliance with the development standard would restrict the provision of rear additions and a new attic level which has been supported by Council for other sites on Ruthven Street, in particular No. 6 Ruthven Street. Also, the proposal is restricted as a result of the heritage listing to the dwelling itself and the location of the dwelling within the Mill Hill HCA. As such, the proposal makes the most efficient use of the existing built form whilst maintaining the principal built form and heritage characteristics of the dwelling to the Ruthven Street. Accordingly, the extent of non-compliance is modest when compared to the existing situation.

(iii) Location of Additional FSR

The additional FSR will be located predominantly within the new attic level and within the rear extensions to the ground and first floor levels. Importantly, the works will not be visible from Ruthven Street and will not increase the bulk of the building when viewed from Ruthven Street. When viewed from the rear, the additions have been carefully designed to ensure consistency

with the rear built form of No. 6 Ruthven Street and will not appear as excessive bulk, rather will be well integrated into the existing built form.

(iv) Compliance with Built Form Controls

The proposal has been carefully designed in consideration of the statutory and non-statutory controls for the site. The proposal satisfies the relevant objectives of the zone under the LEP and complies with the building height development standard. The proposal also complies with a majority of the built form and amenity provisions of the DCP including height, front and rear building lines, streetscape and visual impact, visual and acoustic privacy and the provisions for heritage. Given compliance with the abovementioned provisions, the proposal provides a building envelope envisioned by Council and a dwelling that is compatible with surrounding development.

(v) Examples of Other Non-Compliant Approvals in the Local Government Area (LGA)

As previously noted, there are numerous examples of other applications in the Waverley LGA for residential alterations and additions in the R3 Medium Density Residential Zone that have resulted in non-compliant FSR's and have been supported by Waverley Council. Importantly, the approval for No. 6 Ruthven Street (DA 18/2017) achieved a non-compliant FSR of 1.15:1, exceeding the development standard by 21.24m². As such, the minor variation to the development standard should also be supported by Council.

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

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

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

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

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

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

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

The applicant specifically relies upon **justification (a)** outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant's Clause 4.6 Variation appropriately demonstrated that the proposed development meets the objectives of both FSR and the zone.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The applicant has demonstrated that the proposal is similar in scale with surrounding dwellings (particularly no. 6 Ruthven Street), respects the heritage item as well as the conservation area by appropriately locating the addition to the rear of the dwelling and complies with the built form of other standards in the Waverley Development Control Plan 2012 (Waverley DCP 2012).

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

This objective is not relevant as the subject site is not located within the Bondi Junction Centre.

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

The proposed alterations and additions do not exceed the maximum height line of 9.5m. They are limited to the rear ground and first floor with a skillion dormer to the rear of the existing roof form. The works have been appropriately designed to be below the maximum height line as well as being of a similar bulk and scale to the surrounding built form, notably no. 6 Ruthven Street.

The proposal will retain the residential use of the site and will continue to provide housing within the medium density residential environment.

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

The proposal continues to provide a single residential dwelling on the site which contributes to the range of housing types within the medium density residential environment.

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

This objective is not relevant.

- (d) *To maximise public transport patronage and encourage walking and cycling.*

The proposal includes the provision of a dual use courtyard which will provide occasional off-street parking for one vehicle. However, the site also has access to public transport and is located within walking distance of a variety of services within the Bondi Junction Town Centre.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. Garbage bins are satisfactorily located in the private open space area at the rear. The proposed bins are to be screened behind the solid wall of the roller door structure and would not be visible from the public domain. The proposed bin location will provide an easy path of access for collection.
2. Ecologically Sustainable Development	Yes	Satisfactory. The submitted BASIX Certificate is acceptable.
5. Vegetation Preservation	Conditions Recommended	Satisfactory. Tree removal is not proposed. However, Council's Tree Officer has recommended a condition of a \$10,000 tree bond

Development Control	Compliance	Comment
		to ensure the protection of the three (3) <i>Melaleuca quinquenervia</i> (Paperbark tree) to the nature strip of Ruthven Street.
6. Stormwater	Conditions Recommended	Satisfactory. Council's Stormwater Engineer has recommended conditions of consent.
8. Transport		Satisfactory. Vehicle access is via Gowrie Lane (rear of subject site) and will not impact the streetscape of Ruthven Street.
8.1 Streetscape	Yes	
8.2 On-site Parking	-	The subject site is located within parking zone 1.
8.2.1 Vehicle Access	Yes	The hardstand is accessed via a single vehicle crossing from Gowrie Lane.
8.2.2 Parking Rates	Yes	One off-street parking space is proposed, acceptable for the four bedroom dwelling.
9. Heritage	Yes	The subject site is located within the Mill Hill Conservation Area and is identified as a heritage item, as it is example of late nineteenth century terrace row house. This will be discussed in more detail within Section 3.4 of this report.
12. Design Excellence	Yes	No works are proposed to the front façade of the dwelling, appropriately retaining the heritage item and respecting the heritage conservation area. The works are appropriately proposed to the rear portion of the dwelling and are of a bulk and scale that are similar to the recently constructed rear addition to no. 6 Ruthven Street.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The development has an overall wall height of 5.5m
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 setbacks to Ruthven Street will be retained.
	Yes	The ground floor rear building line will align with the rear addition of no. 6 Ruthven Street.
	Yes	The first-floor rear building line will align with the rear addition of no. 6 Ruthven Street. The proposed balcony will read as a lightweight

Development Control	Compliance	Comment
	Yes	addition and is supported as it is not excessive in size or scale. The rear skillion dormer will align with the rear skillion dormer at no. 6 Ruthven Street.
2.2.2 Side setbacks	Refer to Section 2.13.4 of this table.	The side setback of the addition will be discussed in Section 2.13.4 of this table.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling 	Yes	No building works are proposed to the front façade of the dwelling however, the plans indicate the front façade is to be painted to match No's 6 and 10 Ruthven Street, within the row of terraces therefore, appropriately retaining the heritage item and respecting the heritage conservation area. The works are appropriately proposed to the rear portion of the dwelling and are of a bulk and scale that is similar to the recently constructed rear addition to no. 6 Ruthven Street.
2.4 Fences		
<i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Refer to Section 2.14.2 of this report.	<i>Refer to Section 2.14.2 of this report.</i>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed windows to the side atrium will not result in unreasonable visual privacy impacts to no. 6 Ruthven Street due to the existing side boundary wall being retained, restricting any outlook.</p> <p>The proposed window to the southern elevation of the first floor will have a generous sill height and will not result in visual privacy impacts to no. 6 Ruthven Street.</p> <p>The proposed rear balcony will have a depth of 0.8m and an area of 1.4m². Given the small size of the balcony, it being accessed from a bedroom/study and 1.6m high privacy screens to either side, the proposed balcony will not result in unreasonable visual or acoustic privacy impacts to surrounding residential land uses.</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 	Yes	At 9AM during the winter solstice, majority of the shadow will fall upon the roof of no. 6 Ruthven Street. However, from 12noon to approximately 2pm, shadowing will fall to the rear courtyard of no. 6 Ruthven Street.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 		<p>This is acceptable because the works will not significantly reduce solar access to the courtyard of no. 6 Ruthven Street until 12noon, with no to minor additional shadowing in the morning to this neighbouring courtyard. Additionally, as the proposed works are similar in bulk and scale to the recently constructed works at no. 6 Ruthven Street, any additional overshadowing is unavoidable and acceptable in the site circumstances.</p> <p>The proposed works will not create additional overshadowing to the private open space of the subject site.</p>
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	<p>Yes</p> <p>Condition Recommended</p>	<p>The proposed hardstand is satisfactorily located to the rear of the dwelling, accessed from Gowrie Lane.</p> <p>The colours and materials of the proposed roller door have not been disclosed with the application. Therefore, a condition is recommended to be imposed to ensure that the proposed roller door be constructed of the same material of the roller door at no. 6 Ruthven Street. to ensure consistency with the streetscape.</p>
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	The location of the hardstand from Gowrie Lane is supported.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences 	Yes	The hardstand has been appropriately designed so as to not impact the heritage item or the conservation area.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> No part of the façade is to be demolished to accommodate car parking 		
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The hardstand parking space has a length of 5.4m and a width of 3m.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	Yes	The driveway crossover to Gowrie Lane has a width of 3m.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Acceptable on merit	36.2% The proposal is slightly below the 40% minimum open space requirement however, this minor non-compliance can be supported on merit, given the small subdivision pattern of the locality and the built-form will be of a similar bulk and scale to the recently constructed addition at no. 6 Ruthven Street.
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	16.9%
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	25m ²
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 	Yes	The proposed rear skillion dormer is set 0.3m below the existing ridge and is of a similar bulk and scale to no. 6 Ruthven Street's rear skillion dormer.
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 retain the front façade of the heritage item. The proposed works are to the rear portion of the dwelling and will be similar in overall bulk and scale to no. 6 Ruthven Street.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Existing roof form maintained forward of principal ridgeline Use of roof as an attic permitted provided Front verandahs to be maintained. 		
<p>2.13.4 - Side setback and courtyard design controls for terraces</p> <ul style="list-style-type: none"> Nil setback permitted where abuts an existing wall with nil setback Otherwise 900mm setback required Walls on boundaries should not be more than 2.1m high Internal courtyards to be 1.5m wide. No openings are permitted for walls built to the side boundary 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The ground floor rear addition is constructed on the northern boundary party wall (shared with no. 2 Ruthven Street) as is standard practice.</p> <p>The first floor rear addition is constructed on the northern boundary party wall and northern boundary (shared with no. 2 Ruthven Street) as it is expected that no. 2 Ruthven Street would construct on this shared boundary if it was to undertake similar alterations and additions in the future.</p> <p>The ground floor southern setback incorporates an atrium into its design as it guided by the Waverley DCP 2012.</p> <p>The portion of the rear addition that is constructed on the southern boundary will match the height of no. 6 Ruthven Street's nil boundary addition.</p> <p>Although the Waverly DCP 2012 states the minimum width of an atrium is to be 1.5m, the proposed 1.3m wide atrium is supported on merit as it is similar in width to no. 6 Ruthven Street, which was approved with a width of 1.3m.</p> <p>Lastly the Waverley DCP 2012 states the length of the atrium and portion of the wall constructed on the common boundary is to be 50/50 equal. Approximately 55% of the length is dedicated to the atrium with the remaining 45% of the length being a wall constructed on the southern common boundary. It is noted a small portion of the proposed external wall abuts the adjoining atrium at no. 6 Ruthven Street, this can be supported on merit as the atrium has a length that is greater than 50% of the entire length of the rear addition.</p> <p>The first floor is setback 1.3m from the southern side setback.</p>
<p>2.13.5- Streetscape and visual impact controls for terraces</p>	<p>Yes</p>	<p>The front façade of the terrace will be retained, resulting in minimal impacts on the heritage item of the conservation area.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Additional storey reflects character of terrace Extensions no higher than the existing ridge Attic conversions maintain existing roof envelope with only dormers 		
2.14 Dual Frontage Development		
2.14.1 - General Controls <ul style="list-style-type: none"> Primary and secondary frontage to be defined Pedestrian pass door provided for single width garage doors 	Yes Acceptable on merit	The primary and secondary streets have been appropriately defined. Rear lane pedestrian access can be supported on merit. Given the narrow width of the site, it is difficult to cater for both a garage and pedestrian door.
2.14.2 - Laneway Design Provisions <ul style="list-style-type: none"> Maximum external wall height of 3.6m 	Yes	The 2.8m rear garage wall on the rear boundary to Gowrie Lane is supported on merit as it is similar in height to the rear garage wall at no. 6 Ruthven Street, resulting in a consistent wall height that will complement the rear lane.
2.14.3 Development in Heritage Conservation areas <ul style="list-style-type: none"> Single width garages or double with central divide 	Yes	The garage door is single width.

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

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

- A side atrium to the southern boundary was introduced. The windows to the side atrium will not result in a loss of visual privacy due to the existing boundary wall between the two atriums being retained.
- Reduced width of garage door
- It is noted that the amended shadow diagrams that reflect the amended design of the development resulted in minor additional shadowing at:
 - 9am – the additional shadowing falls on the boundary fence.
 - 11am – the additional shadowing falls on the roof of no. 6 Ruthven Street.
 - 12noon - the additional shadowing falls on the roof of no. 6 Ruthven Street and only a minor increase to the private open space (refer to figures 6 and 7 below).
 - 1pm - the additional shadowing falls on the roof of no. 6 Ruthven Street.

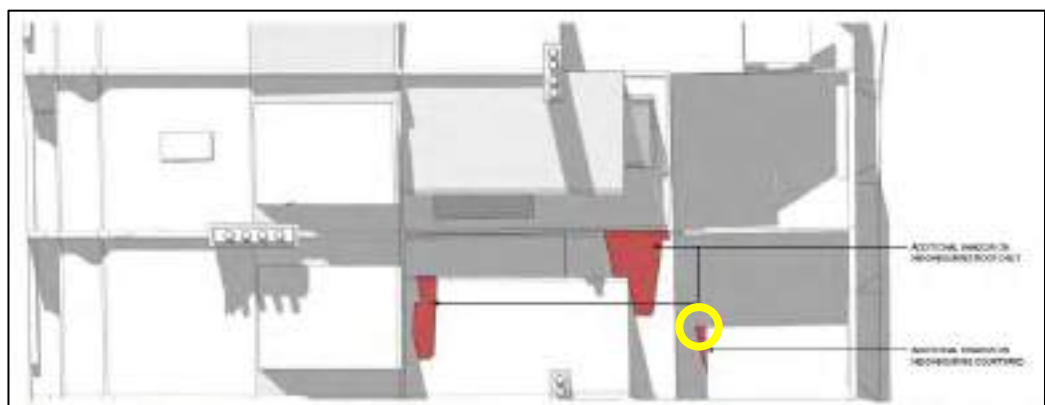


Figure 6: 12 noon original shadow diagram as originally notified.

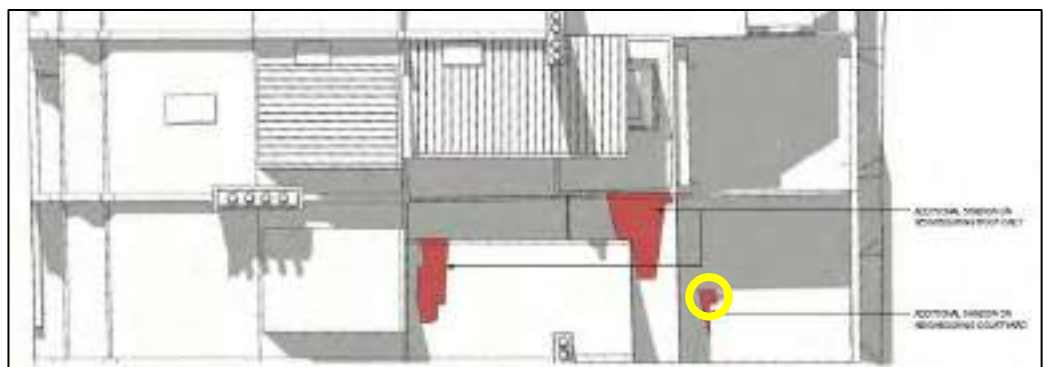


Figure 6: 12 noon amended shadow diagram indicating a minor addition to the shadowing of the private open space from originally notified (circled yellow)

(Source: Ergo Architecture and interiors, 2021)

From comparing the shadow diagrams, it appears the minor additional shadowing is created by the solar hoods to the skillion dormer windows, the rear first floor balcony and the rear windows of the ground floor. These were on the original plans but were not incorporated into the originally notified shadow diagrams.

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

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

3.2. Stormwater

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

3.3. Tree Management

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

3.4. Heritage

An internal referral was sought from Council's Heritage Officers who stated the following:

- a. *Heritage Officer's Comments: Whilst the tall rear chimney is proposed to be retained in the new works, the use of metal cladding to external wall finishes in a deep charcoal/grey [Colourbond Monument] is considered to detract from the cohesion of the overall group and particularly the rear of the terrace at 2 Ruthven Street. A more discrete profiled cladding or flat sheet cladding is recommended, this being finished in a colour maintaining the established pattern of soft colour tones to the related group.*

Planning Comment: Clarification was sought at the Waverley Heritage Assessment Meeting (WHAM) on 21 October 2021, where it was advised the finish should be vertical boarding being a mid-tone (18% grey) or neutral colour and not black.

The amended finishes schedule shows the rear addition will be constructed of vertical board finish of a lighter greyer colour.

- b. *A schedule of conservation works to the retained street frontage of the terrace is required to be provided to mitigate the impact of new works on the significance of the terrace and group.*

Planning Comment: Clarification was sought at WHAM on 21 October 2021, where it was concluded this point was no longer required to be addressed.

- c. *The skylight to the front roof form is not representative of the streetscape or row of terrace houses and is not supported. The skylight is to be deleted.*

Planning Comment: The front skylight has been removed from the amended plans.

Further comments were sought from the Heritage Officer on 11 November 2021 on the amended plans, the following was advised:

- a. *The annotation of the north side boundary wall to the first floor additions should be amended to 'fire rated in accordance with the BCA' rather than 'non-combustible'.*

Planning Comment: This will be recommended to be addressed as a condition of consent.

- b. *The annotation of the ground floor rear brick work as 'Sydney Sandstock' or similar may refer to original sandstock bricks which were not made to be exposed to weather, either being limewashed or covered in lime plaster. The unfortunate practice of sandblasting the external render off these during the 1960's-70's led to rapid deterioration of the bricks and is clearly not an acceptable basis for using such bricks in an exposed manner. Alternately the annotation is a reference to later commercial bricks of the 1970's named as 'sandstock pattern brick' due to the salt and or sand impregnation of the external surface. There is no issue with the use of these or comparable contemporary bricks. Original sandstock bricks are not supported as an external finish.*

Planning Comment: This will be recommended to be addressed as a condition of consent.

4. CONCLUSION

The DA seeks consent for alterations and additions to an attached dwelling including ground and first floor extension, new attic level addition with rear dormer and hardstand parking space to the rear at the site known as no. 4 Ruthven Street, Bondi Junction.

The principal issues arising from the assessment of the application relate to the breach to FSR.

The assessment finds this issue acceptable as a well-founded Clause 4.6 Variation was submitted with the application justifying that the breach to FSR met the objectives of the FSR development standard and the Medium Density Residential (R3) zone and did not result in unreasonable environmental impacts to surrounding residents.

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.

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 28 September 2021 and the DBU determined:

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

DBU members: A Rossi, J Zancanaro, K Johnstone

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Joseph Somerville
Development Assessment Planner

Date: 12 November 2021

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



Judith Elijah
A/Manager, Development Assessment (Central)
**(Reviewed and agreed on behalf of the
Development and Building Unit)**
Date: 24 November 2021

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 Ergo Architecture and Interiors of Project No: 2114HEP including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA001 / Rev B	Site/Roof Plan	05/11/2021	09/11/2021
DA100 / Rev B	Ground Floor Plan	05/11/2021	09/11/2021
DA101 / Rev B	First and Second Floor	05/11/2021	09/11/2021
DA300 / Rev B	West Elevations	05/11/2021	09/11/2021
DA301 / Rev B	East Elevation	05/11/2021	09/11/2021
DA302 / Rev B	North Elevation	05/11/2021	09/11/2021
DA303 / Rev B	South Elevation	05/11/2021	09/11/2021
DA400 / Rev B	Section	05/11/2021	09/11/2021
DA800 / Rev A	Atrium Sectional Elevations	10/11/2021	09/11/2021

- (b) BASIX Certificate
(c) Schedule of external finishes and colours received by Council on 09/11/2021
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 02/09/2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The garage roller door to Gowrie Lane is to be constructed of a similar material to the garage roller door of no. 6 Ruthven Street to maintain a satisfactory streetscape to the laneway.
- (b) The rear boundary wall to Gowrie Lane is to be constructed of a similar material and colour as the existing rear boundary wall of no. 6 Ruthven Street to maintain a satisfactory streetscape to the laneway. The original sandstock bricks are to be deleted.
- (c) The annotation of the north side boundary wall to the first-floor addition is to be amended to 'fire rated in accordance with the BCA' rather than 'non-combustible'.

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

4. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$11,230.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

7. LONG SERVICE LEVY

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

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

8. TREE PRESERVATION BOND

A bond of **\$10,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street trees at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

- If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

CONSTRUCTION MATTERS

9. HOARDING

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

10. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

15. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building

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

STORMWATER & FLOODING

16. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the **Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate. The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) The plans shall provide details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be submitted.
- b) The height of any proposed above ground rainwater or OSD tank located within 450 mm of any property boundary shall not exceed 1.8 metres.
- c) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- e) Any proposed pipeline within the footpath verge of any road reserve must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum.
- f) The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
- g) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

ENERGY EFFICIENCY & SUSTAINABILITY

17. BASIX

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

WASTE

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

LANDSCAPING & TREES

19. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the Waverley Development Control Plan 2012 including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

TRAFFIC MANAGEMENT

20. 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](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

21. CONSTRUCTION SIGNS

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

22. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

23. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land; or

- (c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

24. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

CONSTRUCTION MATTERS

25. CONSTRUCTION HOURS

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

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

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

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

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

27. CONSTRUCTION INSPECTIONS

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

28. CERTIFICATE OF SURVEY – LEVELS

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

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

30. STRUCTURAL STABILITY OF ADJOINING ATTACHED DWELLING'S ROOF

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

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

TREE PROTECTION AND REMOVAL

31. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. Precautions shall be taken when working near the three (3) *Melaleuca quinquenervia* (paperbark tree) trees on the nature strip to Ruthven Street to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk

protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

32. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed hardstand. The crossing is to be 3.0 metres wide at the property boundary. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager 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.

33. HARDSTAND CAR PARKING AREA IS TO BE GRADED

The hardstand car parking area is to be graded and drained and all surface waters are to be collected and conveyed to the street gutter via underground pipes. A grate drain is to be provided across the front alignment of the hardstand car space.

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

35. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

36. CERTIFICATION OF BASIX COMMITMENTS

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

37. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- b. A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

38. ON-SITE STORMWATER DETENTION CERTIFICATION

The submission of certification by a suitably qualified and practising Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.

39. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by **Executive Manager, Infrastructure Services (or delegate)** prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the

consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

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

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new

development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. TREE REMOVAL/PRESERVATION

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

AD7. WORK OUTSIDE PROPERTY BOUNDARY

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

ALTERATION AND ADDITIONS - 4 RUTHVEN STREET BONDI JUNCTION

DEVELOPMENT APPLICATION for
WAVERLEY COUNCIL

RECEIVED
Waverley Council

Application No: DA-354/2021

Date Received: 09/11/2021

DRAWING LIST

- DA 000 - COVERPAGE/ DRAWING LIST/ 3D VISUALISATION
- DA 001 - SITE/ ROOF PLAN
- DA 050 - EXISTING PLAN AND SECTION
- DA 100 - GROUND FLOOR PLAN
- DA 101 - FIRST FLOOR AND ATTIC PLAN
- DA 300 - WEST ELEVATION - RUTHVEN STREET
- DA 301 - EAST ELEVATION - GOWRIE LANE
- DA 302 - NORTH ELEVATION
- DA 303 - SOUTH ELEVATION
- DA 400 - SECTION
- DA 500 - SHADOW STUDIES
- DA 501 - SHADOW STUDIES
- DA 502 - SHADOW STUDIES
- DA 503 - SHADOW STUDIES
- DA 504 - SHADOW STUDIES
- DA 505 - SHADOW STUDIES
- DA 506 - SHADOW STUDIES - SUN'S EYE VIEW
- DA 600 - AREA CALCULATIONS
- DA 700 - EXTERNAL FINISHES



01 3D VISUALISATION
GOWRIE LANE SOUTH EAST



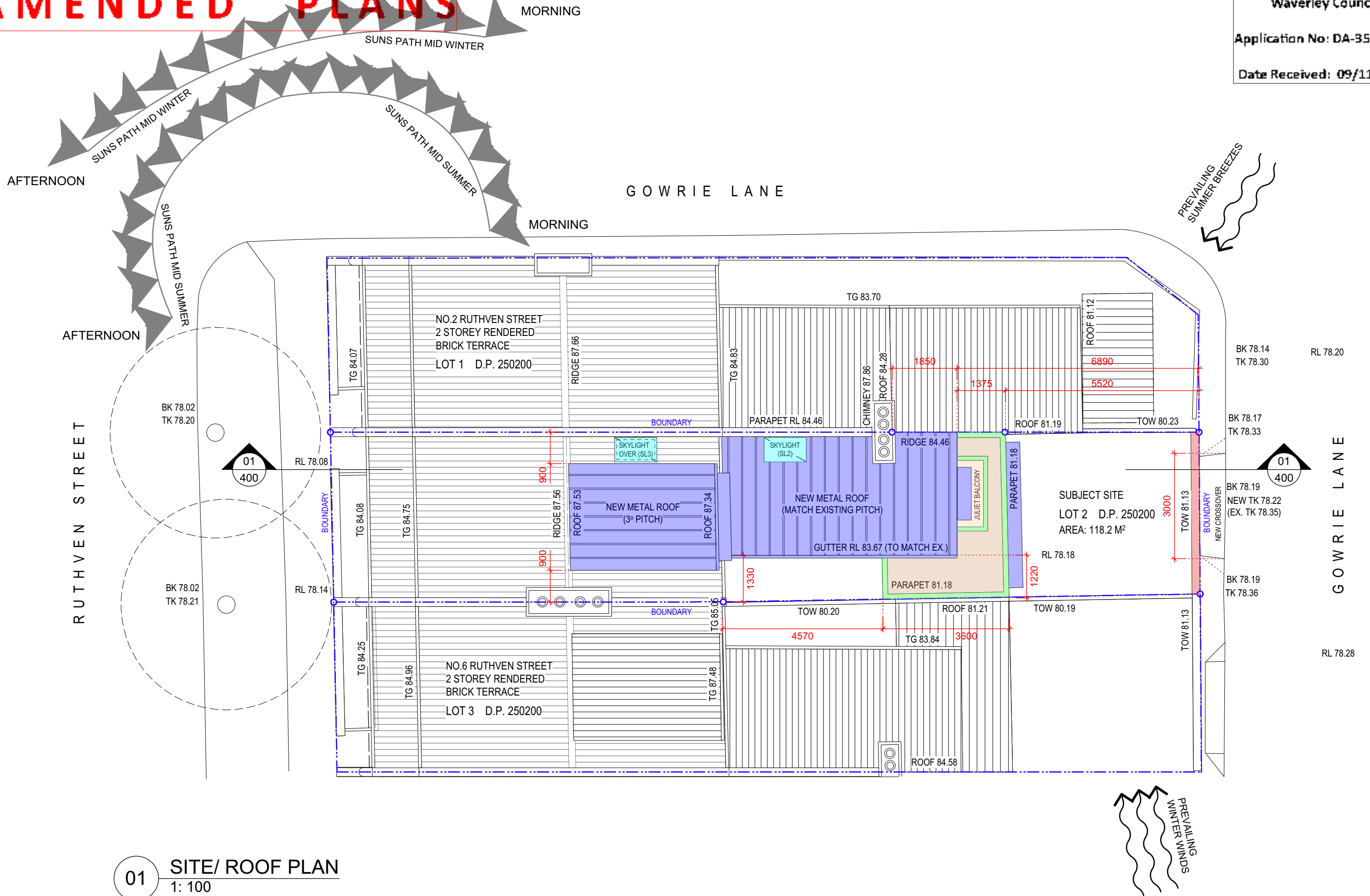
02 3D VISUALISATION
GOWRIE LANE EAST

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-354/2021

Date Received: 09/11/2021



01 SITE/ ROOF PLAN
1: 100



BK 78.17
TK 78.33

BK 78.19
TK 78.35

BK 78.19
TK 78.36

RUTHVEN STREET

03
-

RL 78.08

RL 78.11

HALL FL 78.18

LIVING

DINING

KITCHEN

BATHROOM

PAVED YARD

GARDEN BED

GARDEN BED

RL 78.14

01 EXISTING GROUND FLOOR PLAN

1: 100

03
-

BOUNDARY

VERANDAH

BED 1

FL 81.58

BED 2

BATH

BED 3

FL 80.95

BOUNDARY

BOUNDARY

03
-

BOUNDARY

02 EXISTING FIRST FLOOR PLAN

1: 100

RUTHVEN STREET

2850

3140

630

2780

RL 87.57 - ROOF RIDGE

FFL 84.72 - SECOND FLOOR

FFL 81.58 - FIRST FLOOR

FFL 80.95 - FIRST FLOOR - REAR

GOWRIE LANE

BED 1

3065

CORRIDOR

HALL

3100

DINING

KITCHEN

2525

BATHROOM

2280

2430

FFL 78.18 - GROUND FLOOR

03 EXISTING SECTION

1: 100

ergoarchitecture+interiors

ergo architecture + interiors nsw reg architect no 7862
www.ergoarchitecture.com.au e info@ergoarchitecture.com.au
a suite 302 / 360 oxford st bondi junction nsw 2022 t 02 9369 5151 f 02 9369 5154

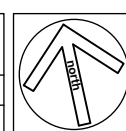
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B	REVISED DEVELOPMENT APPLICATION ISSUE	05/11/21

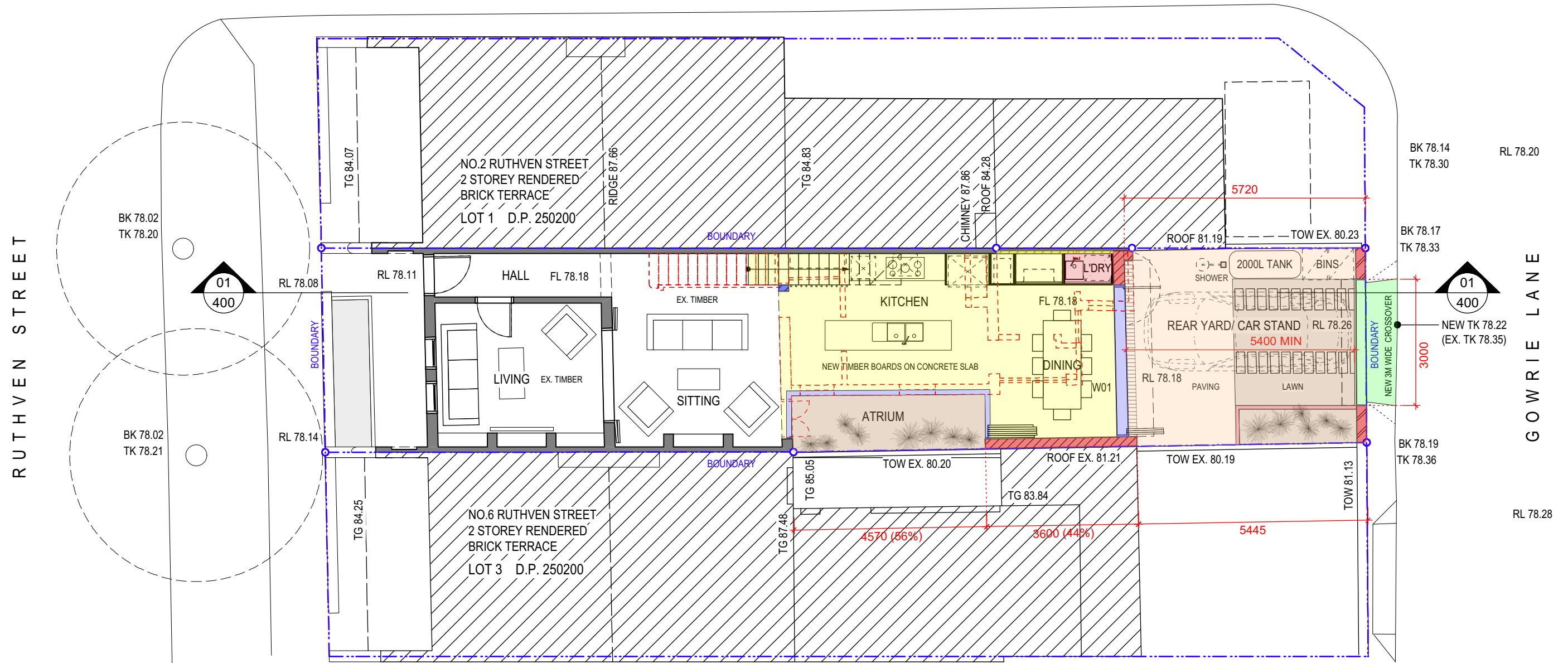
Page 336 of 856

amend	description	date

project:
ALTERATIONS & ADDITIONS TO:
4 RUTHVEN STREET
BONDI JUNCTION

Check all dimensions on site before commencing fabrication. Do not scale off drawing. This drawing to be read in conjunction with the specification. Copyright: This design / drawing are not to be reproduced in part or in whole without the written permission of the architect.			
scale: 1:100@A3	drawn: DB	project no: 2114HEP	
date: APRIL '21	checked: CK	diag no: DA 050	



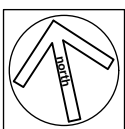


01 GROUND FLOOR PLAN
1: 100

BASIX WINDOW SCHEDULE (NEW OR ALTERED)					
WINDOW #	LOCATION	ORIENTATION	SIZE (W x H)	COMPOSITION	SHADING
W01	DINING, GROUND	EAST	3.8M x 2.6M	BI-FOLD, ALUMINIUM FRAME, SINGLE CLEAR	350MM PROJECTION AT HEAD
W02	BED 3, 1ST FL	EAST	1.5M x 2.1M	FRENCH, ALUMINIUM FRAME, SINGLE CLEAR	NONE
W03	BATH, 1ST FL	SOUTH	1.5M x 0.6M	AWNING, ALUMINIUM FRAME, SINGLE CLEAR	NONE
W04	BED 4, 2ND FL	EAST	2.5M x 1.6M	FIXED & AWNING, ALUMINIUM FRAME, SINGLE CLEAR	NONE
SL1	KITCHEN, GROUND	FLAT ROOF	2.9M x 0.7M	FIXED SKYLIGHT	TO SOUTH OF FIRST FLOOR REAR WING 2.5M HIGH
SL2	STAIR, 1ST FL	SOUTH 12° PITCH	1.0M x 0.6M	FIXED SKYLIGHT	NONE
SL3	STAIR, 2ND FL	EAST 32° PITCH	1.0M x 0.6M	FIXED SKYLIGHT	NONE
SL4	BED 4, 2ND FL	WEST 32° PITCH	1.0M x 0.6M	OPERABLE SKYLIGHT	NONE

LEGEND:

- EXISTING WALLS
- DEMOLITION
- PROPOSED WALLS

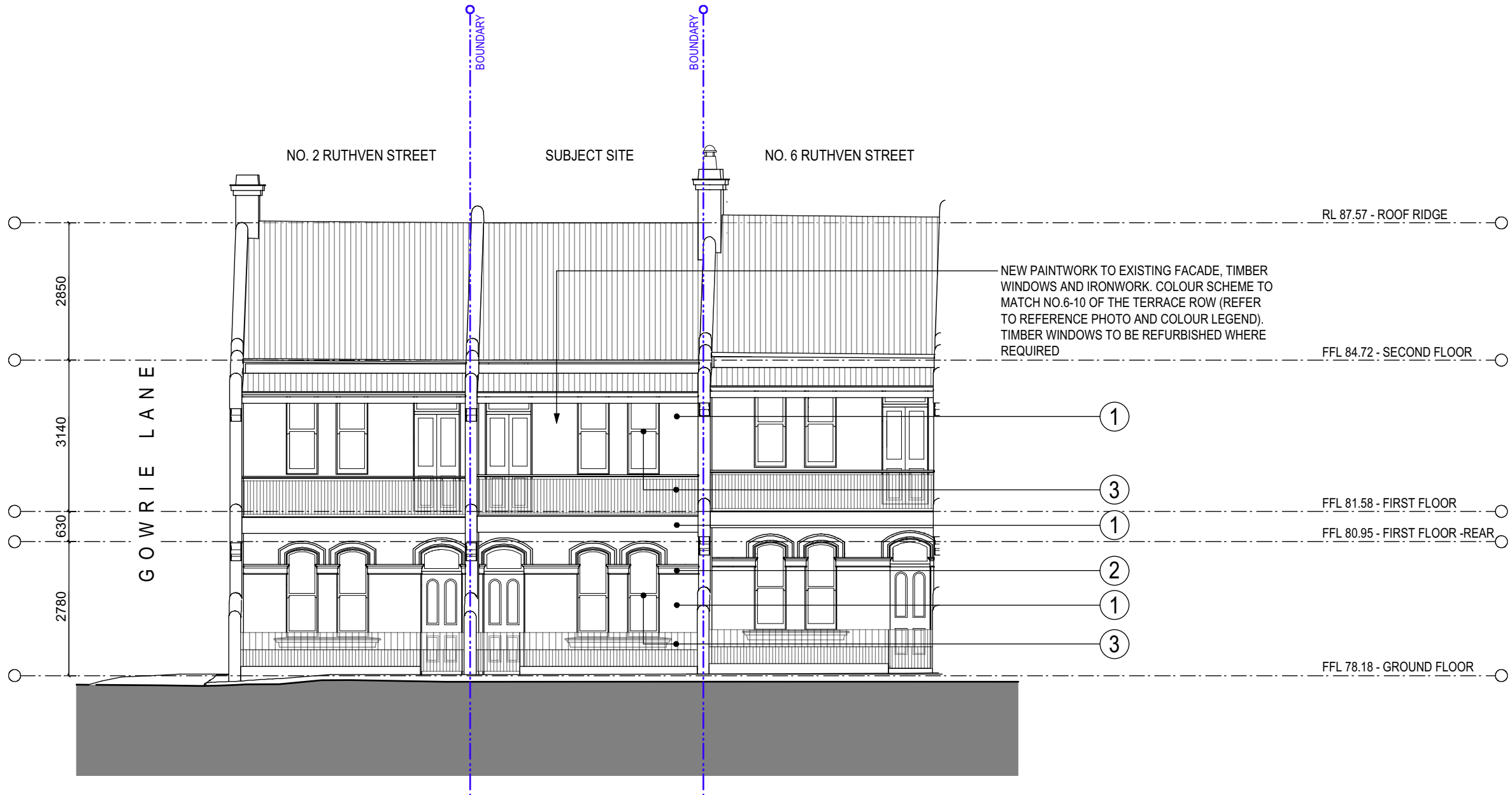


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Date Received: 09/11/2021



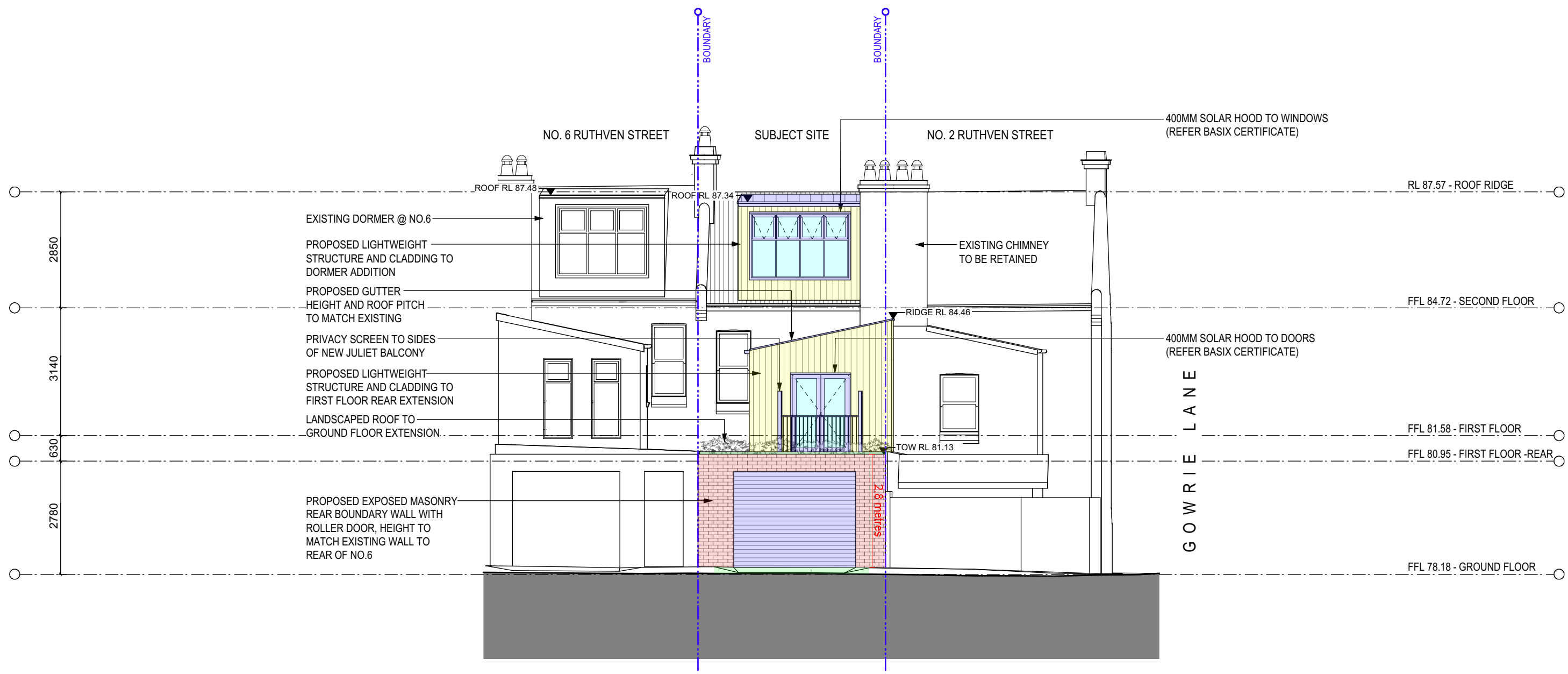


PHOTO: 6 RUTHVEN STREET (8 & 10 SIMILAR)

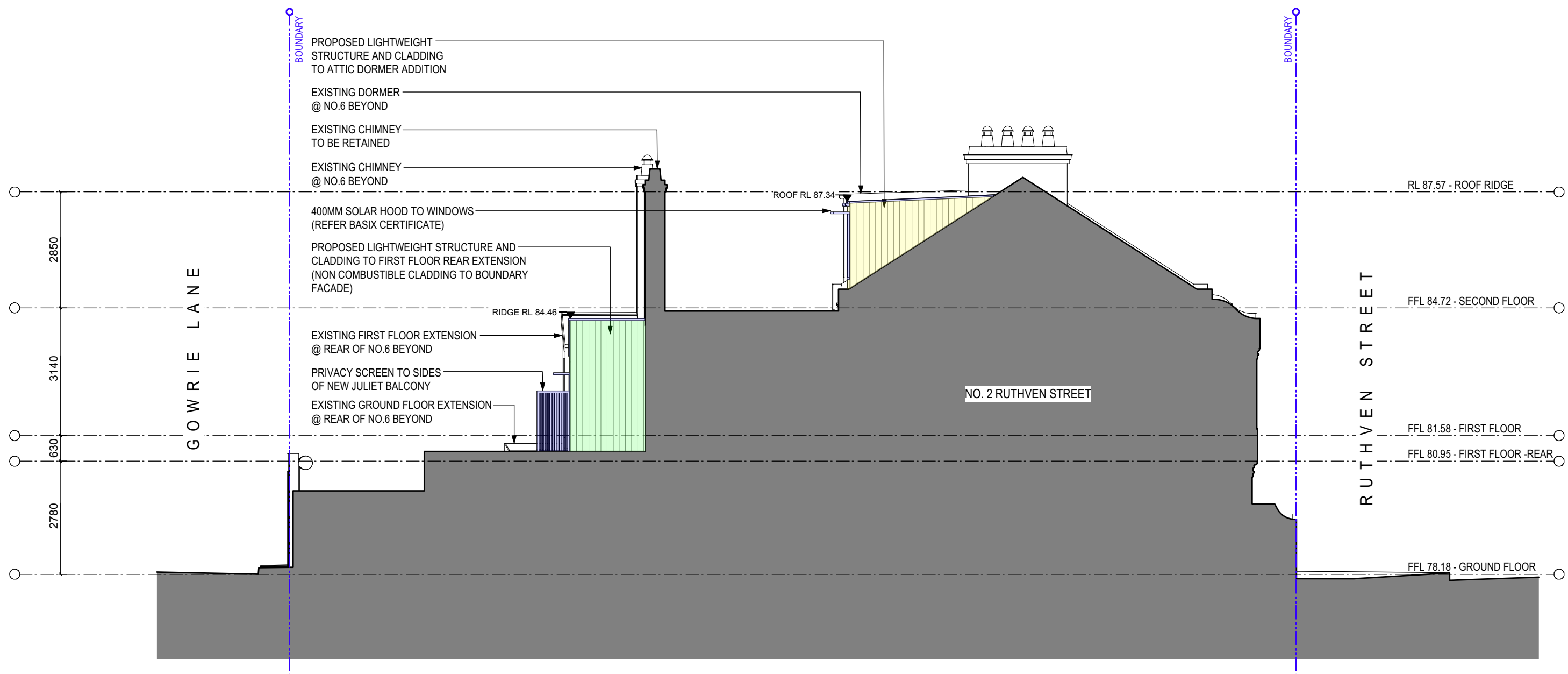


01 WEST ELEVATION
1: 100 RUTHVEN STREET

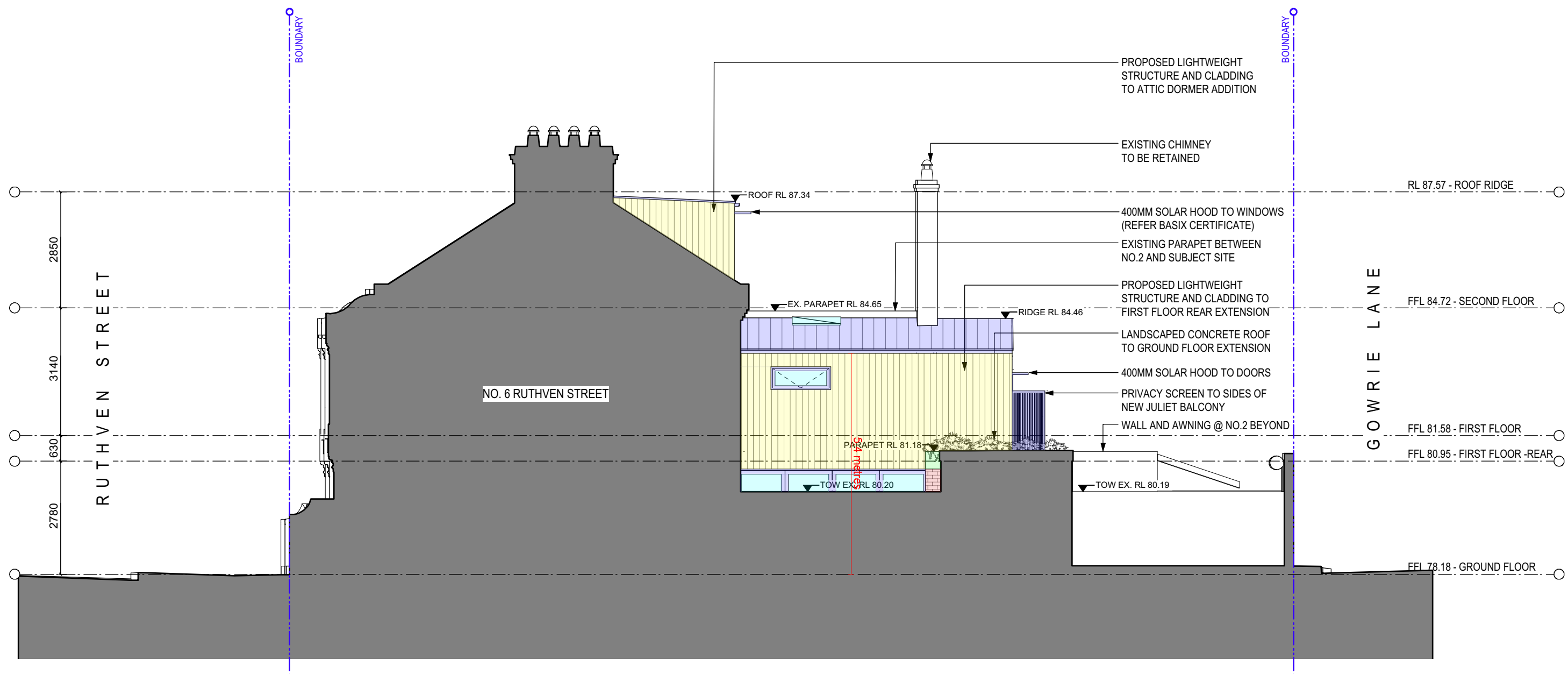
- COLOUR LEGEND:
- 1. DULUX 'BARNFLOOR' OR SIMILAR (MATCH EXISTING @ NO.6)
 - 2. DULUX 'LEXICON QUARTER' OR SIMILAR (MATCH EXISTING @ NO.6)
 - 3. DULUX 'TAIHAPE' OR SIMILAR (MATCH EXISTING @ NO.6)



01 EAST ELEVATION
1: 100 GOWRIE LANE



01 NORTH ELEVATION
1: 100



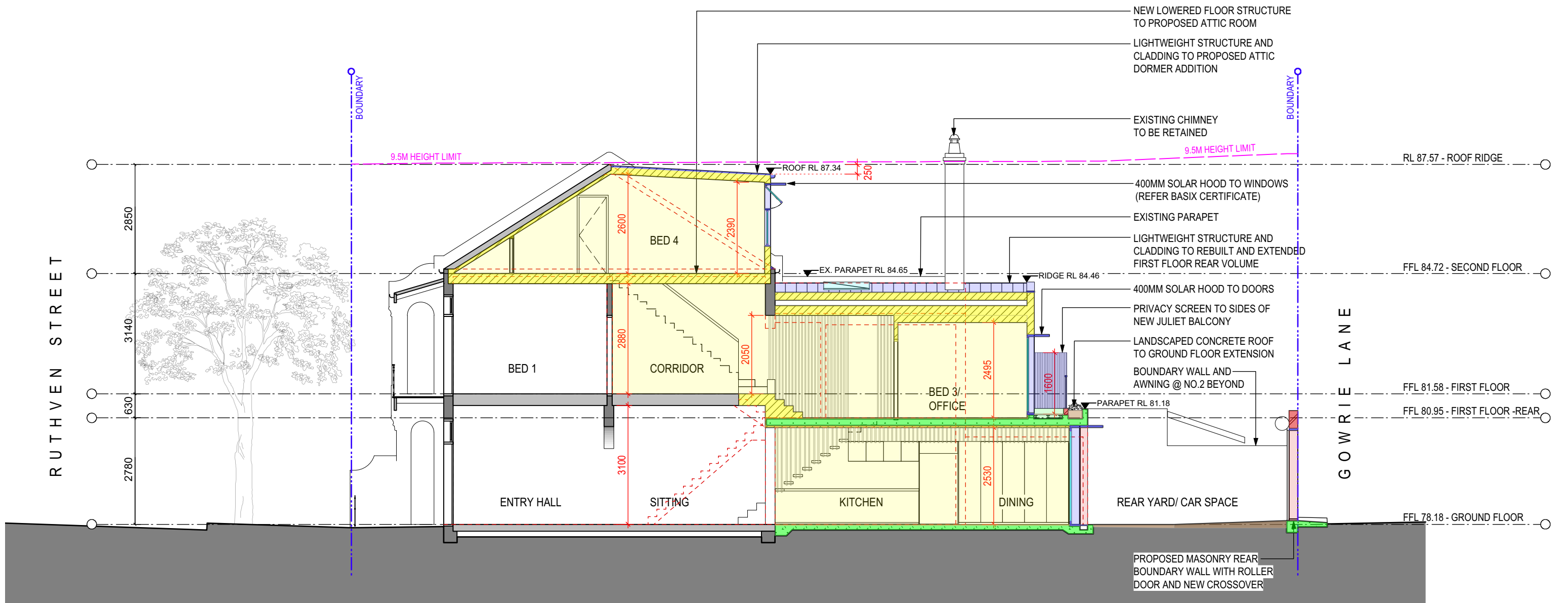
01 SOUTH ELEVATION
1: 100

AMENDED PLANS

RECEIVED
Waverley Council

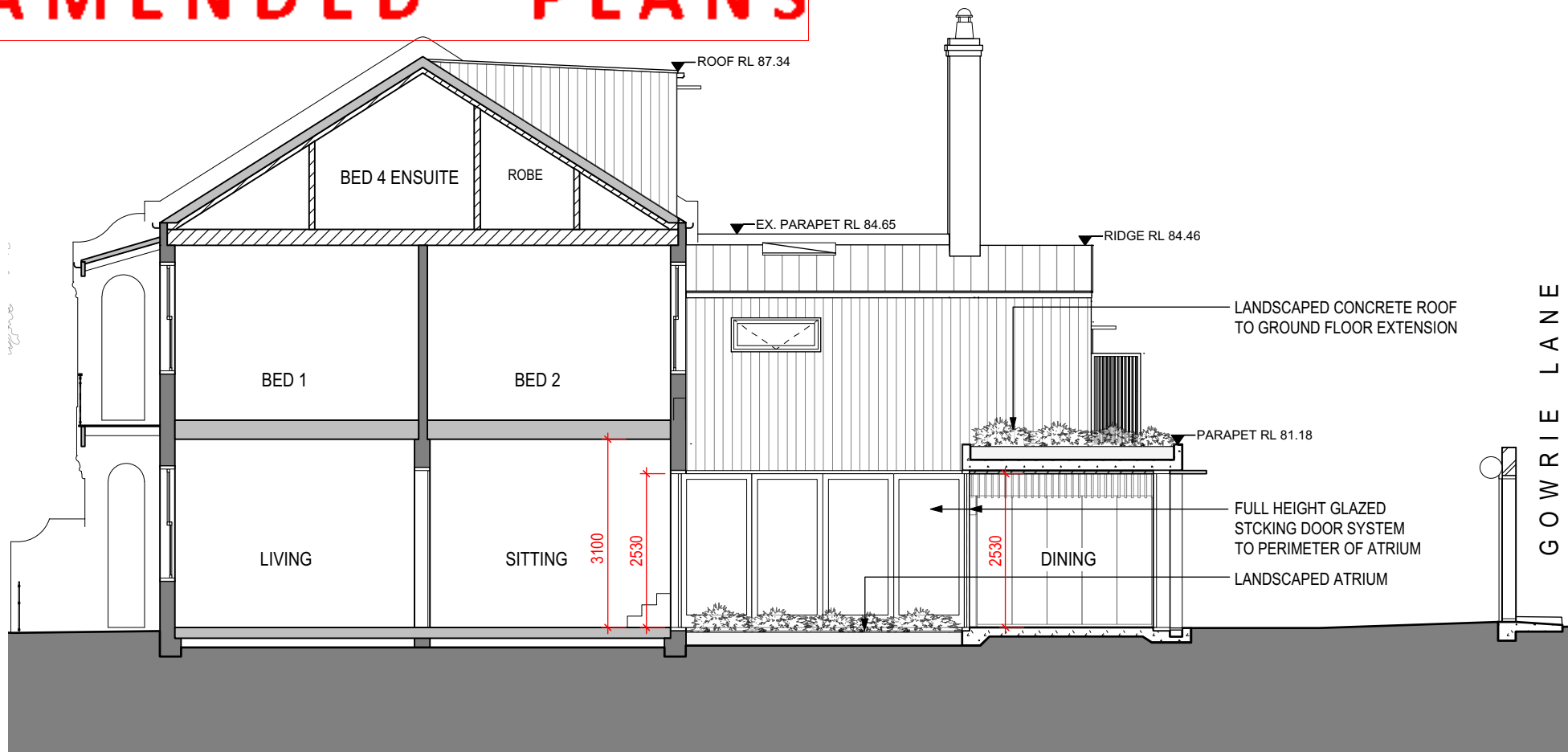
Application No: DA-354/2021

Date Received: 09/11/2021

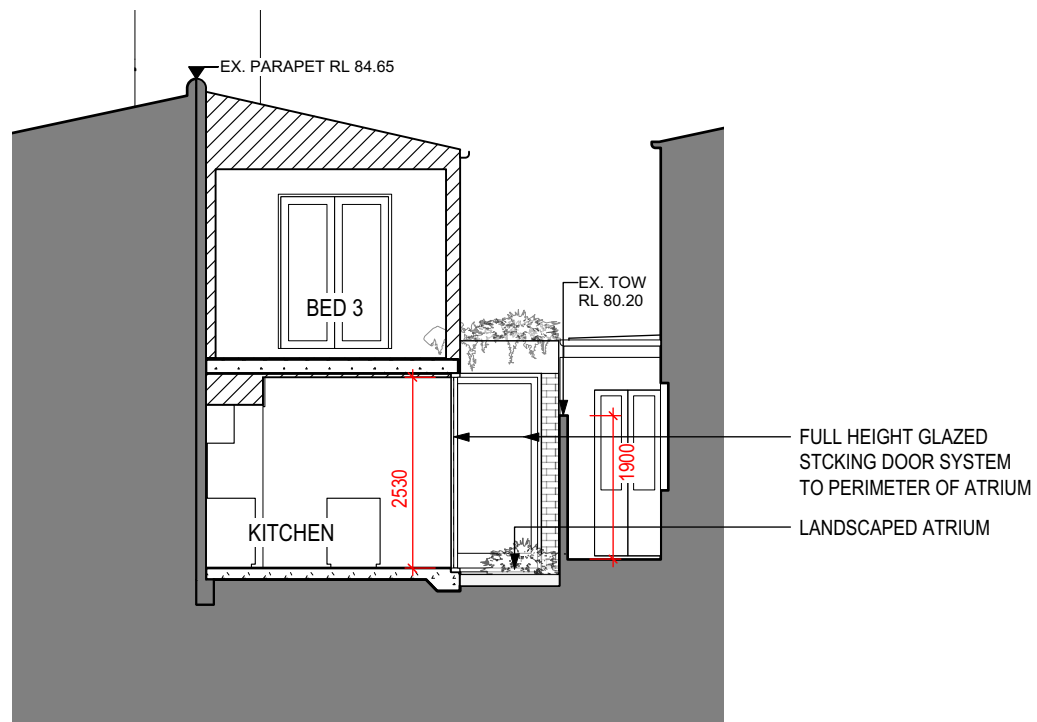


01 SECTION
1: 100

AMENDED PLANS



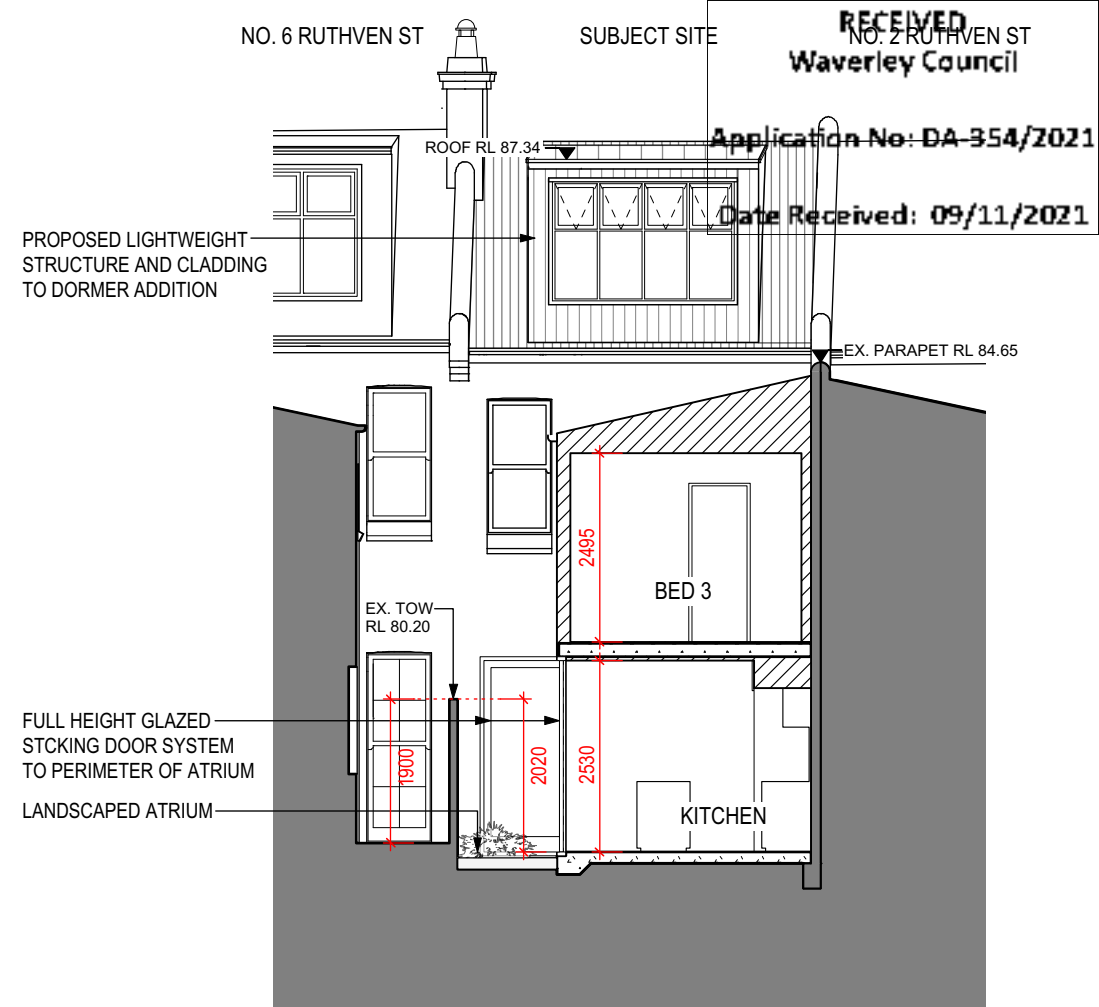
01 ATRIUM SECTIONAL ELEVATION
1: 100 SOUTH



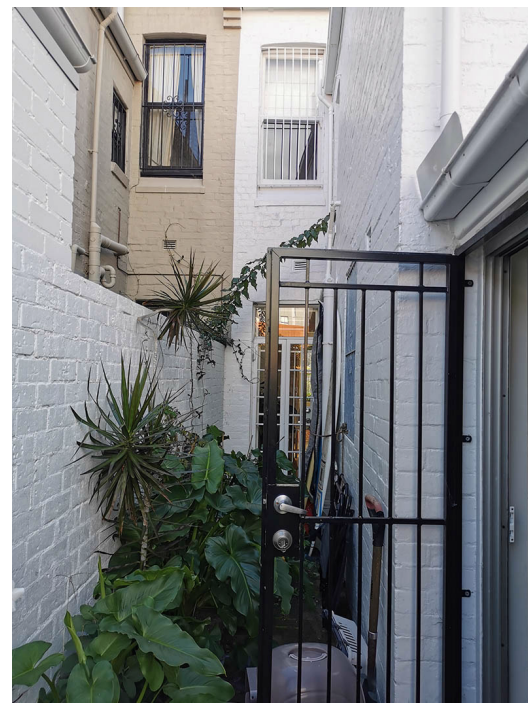
03 ATRIUM SECTIONAL ELEVATION
1: 100 WEST



04 SITE PHOTOGRAPHS - EXISTING
1: 100 BOUNDARY WALL TO NO.6



02 ATRIUM SECTIONAL ELEVATION
1: 100 EAST

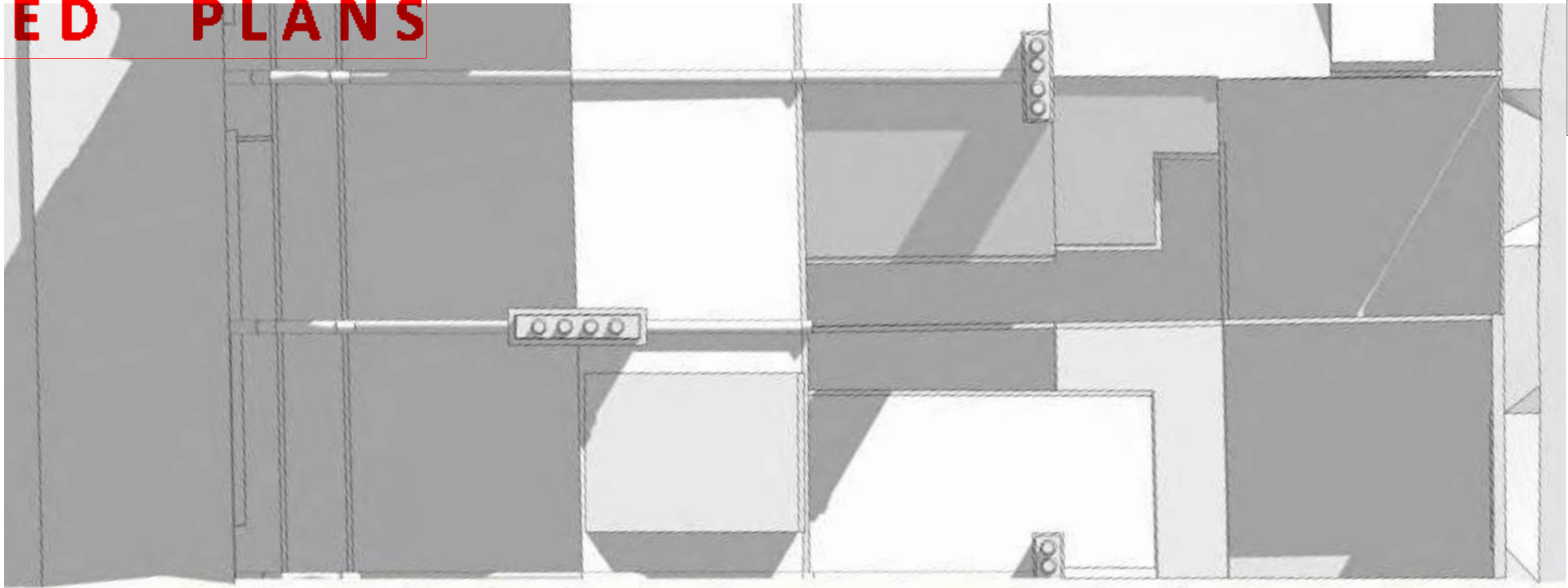


AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-354/2021

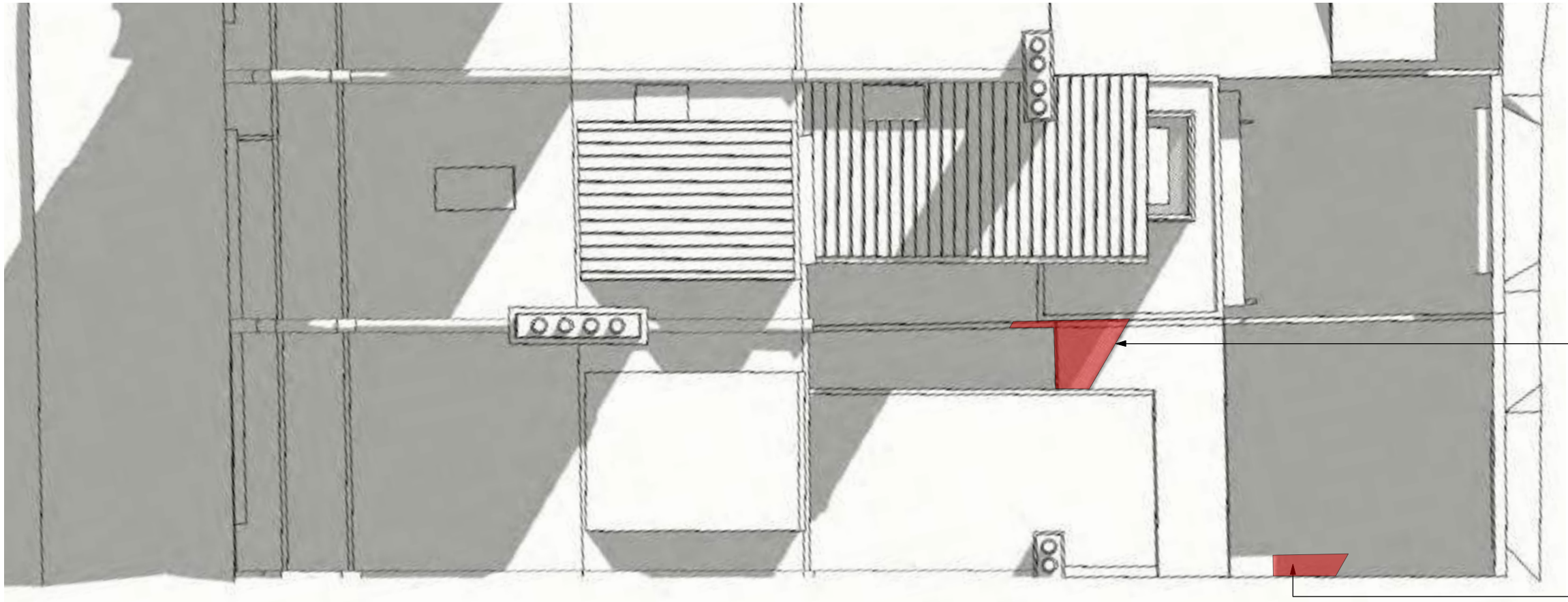
Date Received: 11/11/2021



01

EXISTING SHADOWS WINTER SOLSTICE 9 AM

1: 100



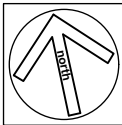
ADDITIONAL SHADOW ON
NEIGHBOURING ROOF AND
FENCE ONLY

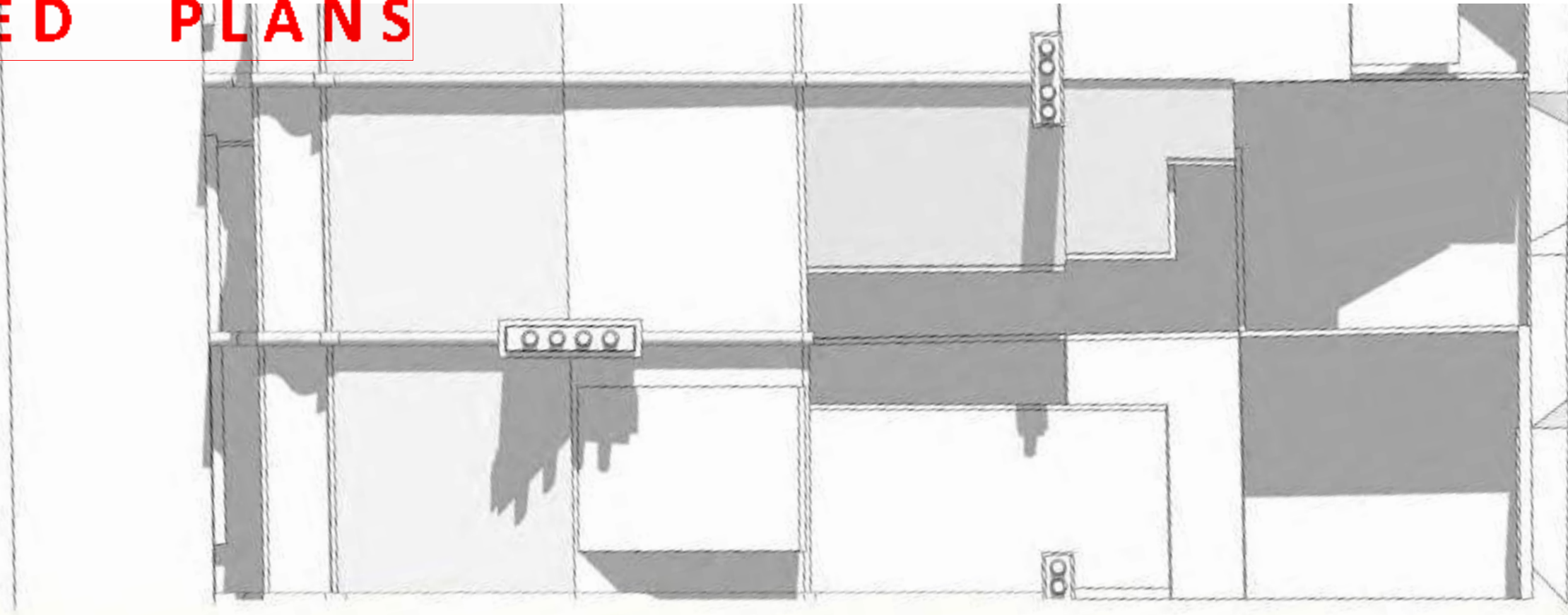
ADDITIONAL SHADOW ON
NEIGHBOURING COURTYARD
CAUSED BY PROPOSED REAR WALL

02

PROPOSED SHADOWS WINTER SOLSTICE 9 AM

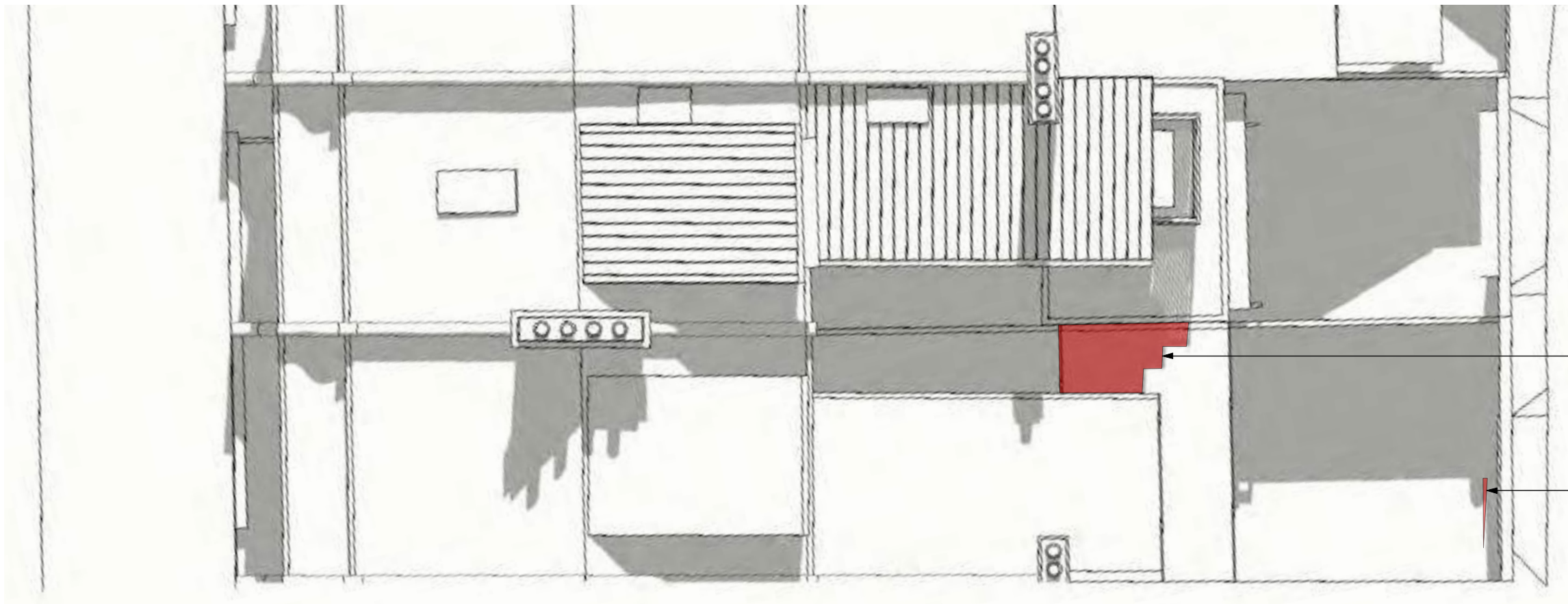
1: 100





01

EXISTING SHADOWS WINTER SOLSTICE 11 AM
1: 100

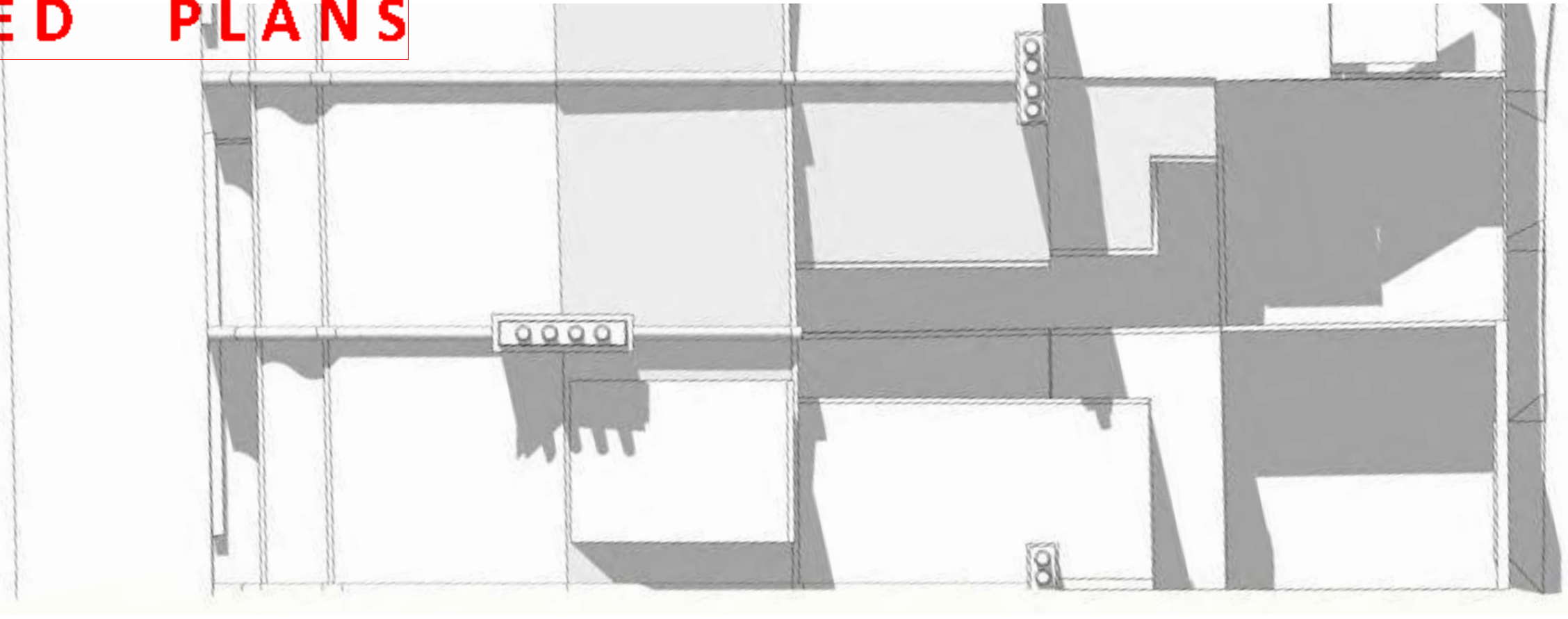


ADDITIONAL SHADOW ON
NEIGHBOURING ROOF ONLY

ADDITIONAL SHADOW ON
NEIGHBOURING COURTYARD
CAUSED BY PROPOSED REAR WALL

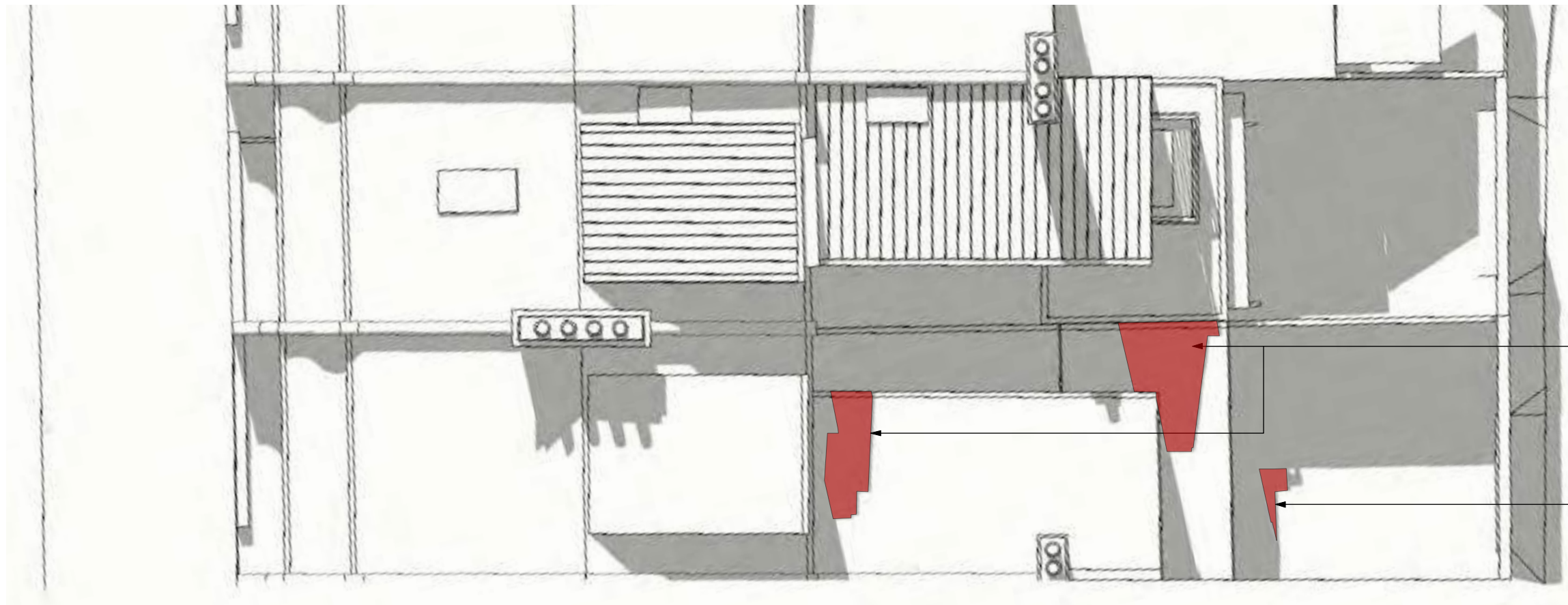
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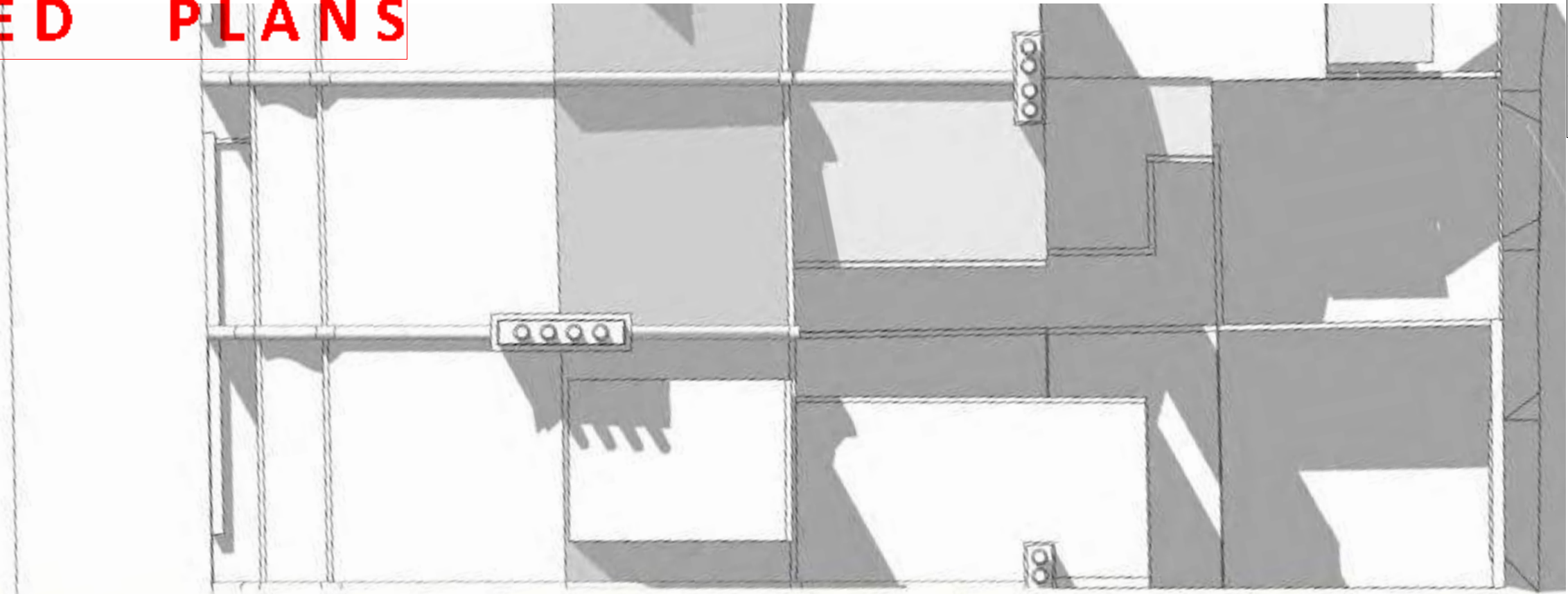
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EXISTING SHADOWS WINTER SOLSTICE 12 NOON
1: 100



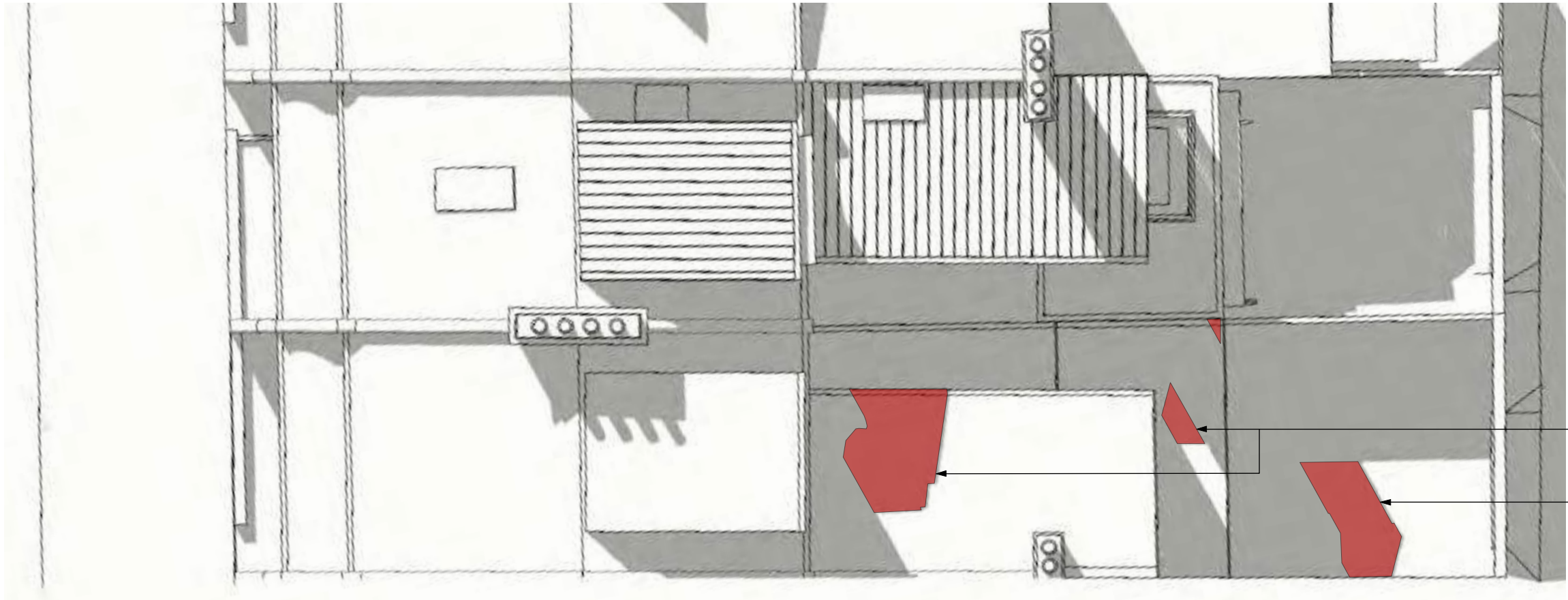
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PROPOSED SHADOWS WINTER SOLSTICE 12 NOON
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01

EXISTING SHADOWS WINTER SOLSTICE 1 PM
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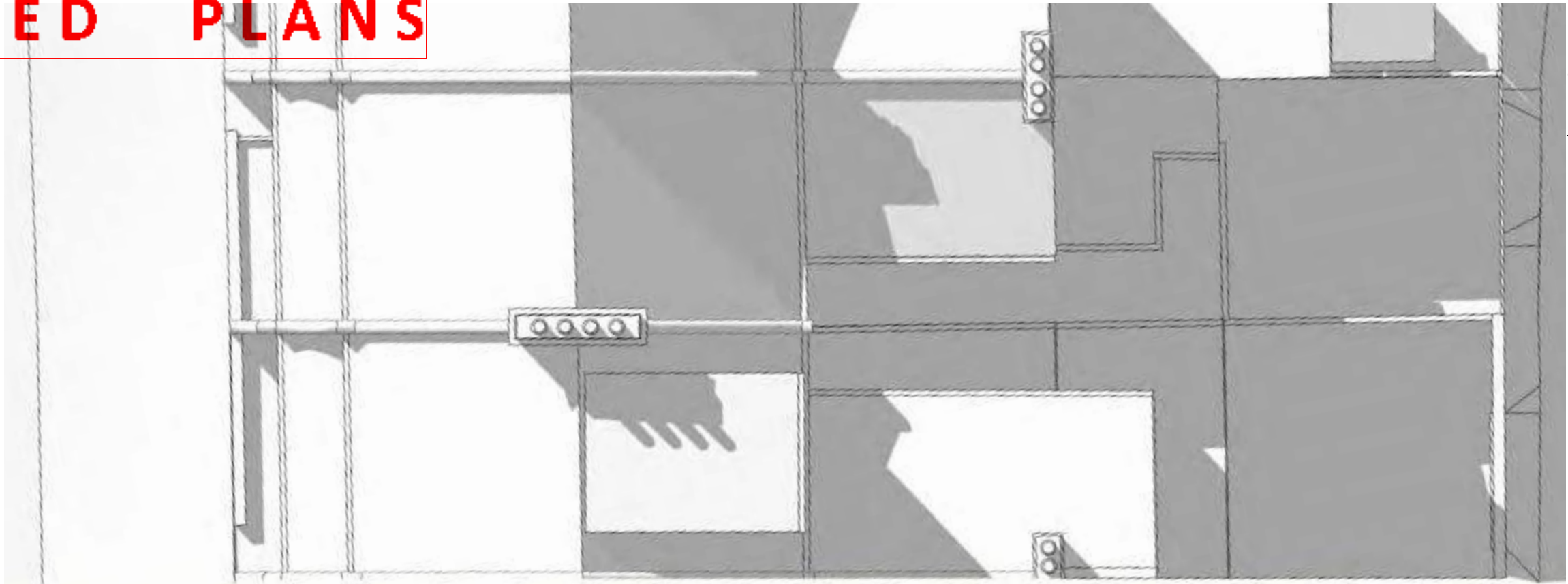


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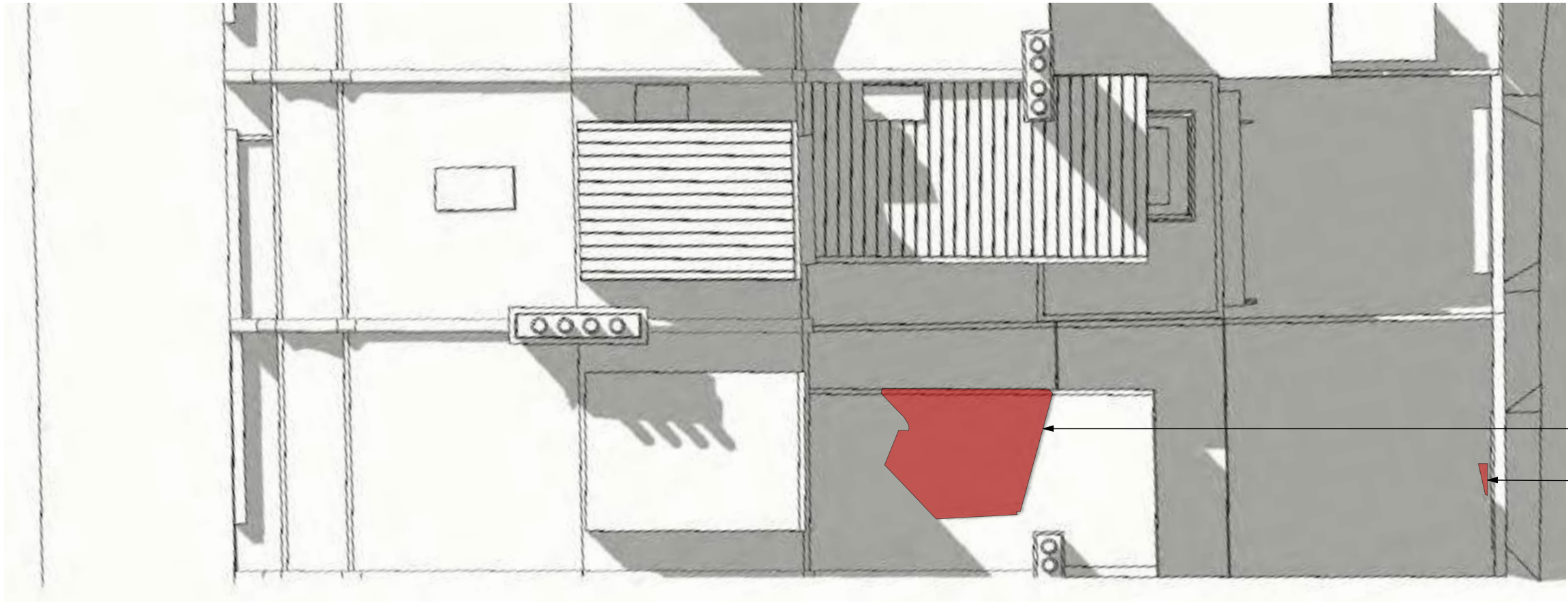
ADDITIONAL SHADOW ON
NEIGHBOURING ROOF ONLY

ADDITIONAL SHADOW ON
NEIGHBOURING COURTYARD



01

EXISTING SHADOWS WINTER SOLSTICE 2 PM
1: 100

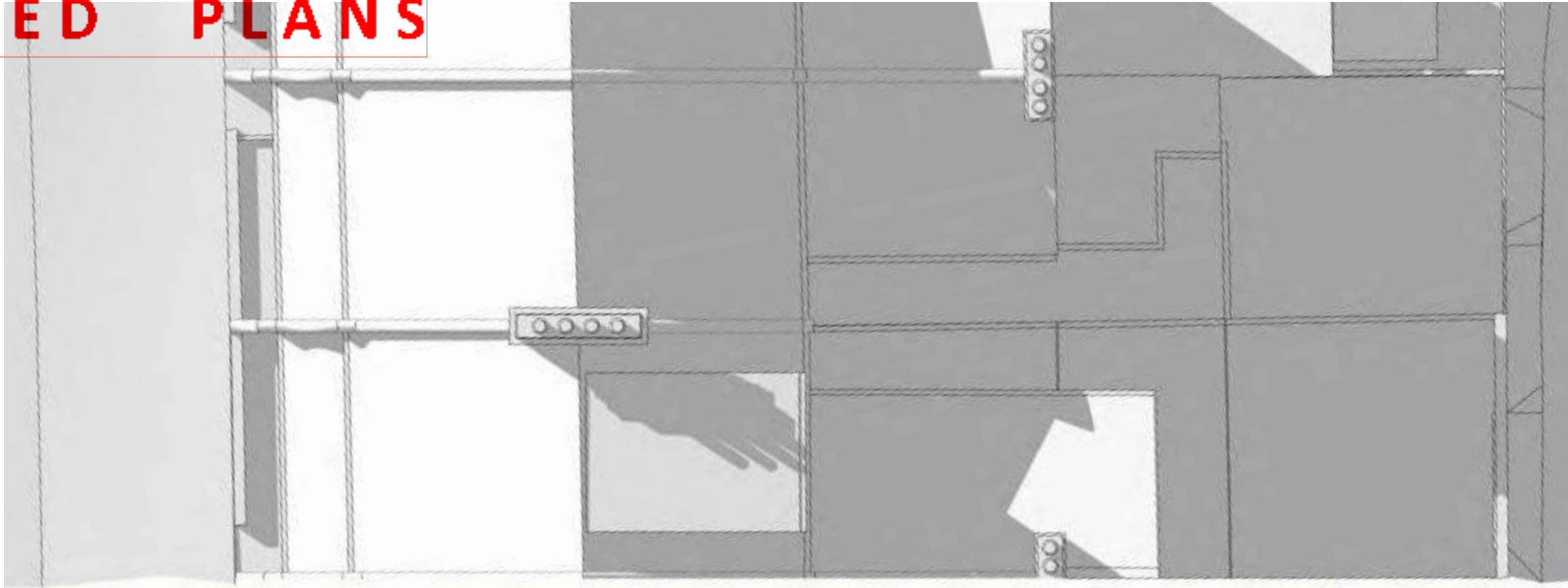


ADDITIONAL SHADOW ON
NEIGHBOURING ROOF ONLY

ADDITIONAL SHADOW ON
NEIGHBOURING COURTYARD

02

PROPOSED SHADOWS WINTER SOLSTICE 2 PM
1: 100



01

EXISTING SHADOWS WINTER SOLSTICE 3 PM
1: 100

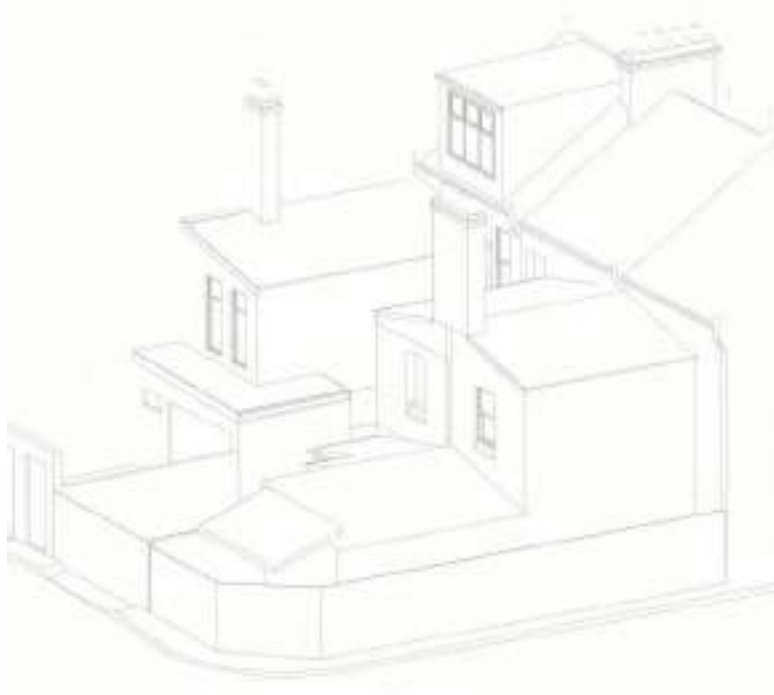


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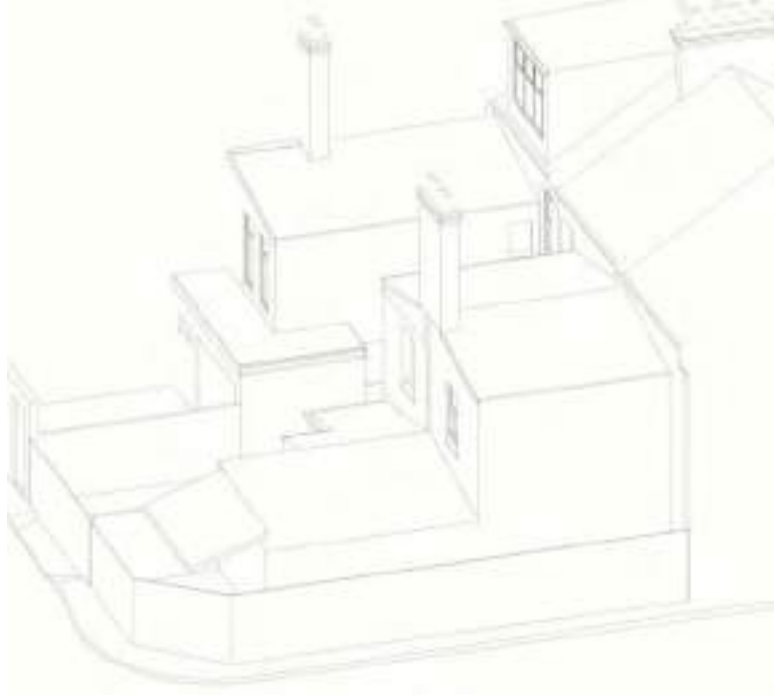
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1: 100

AMENDED PLANS

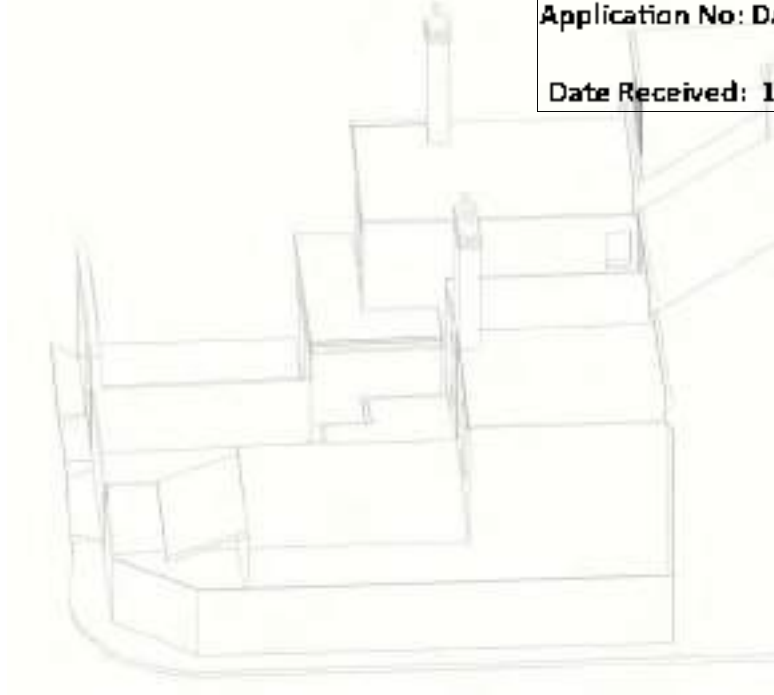
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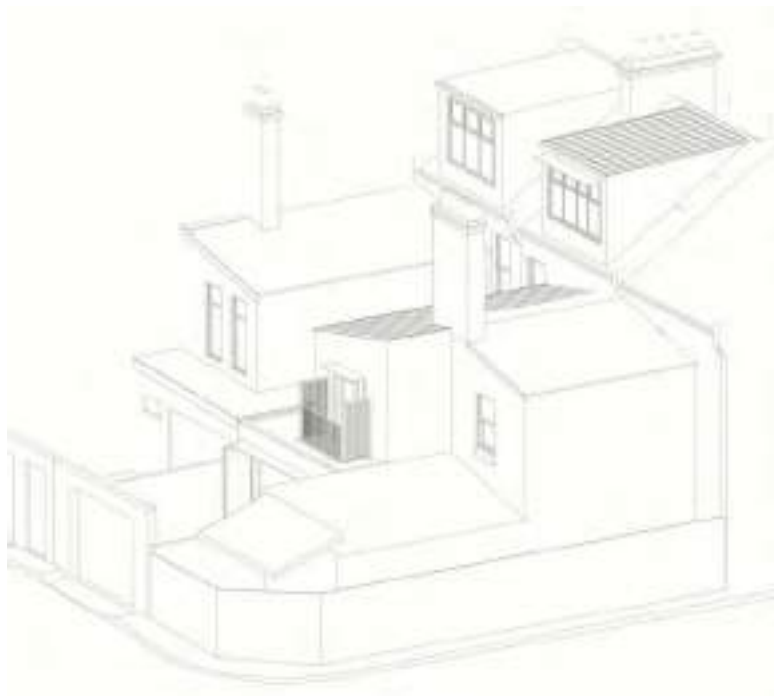
01 EXISTING SUN'S EYE WINTER 9 AM
NOT TO SCALE



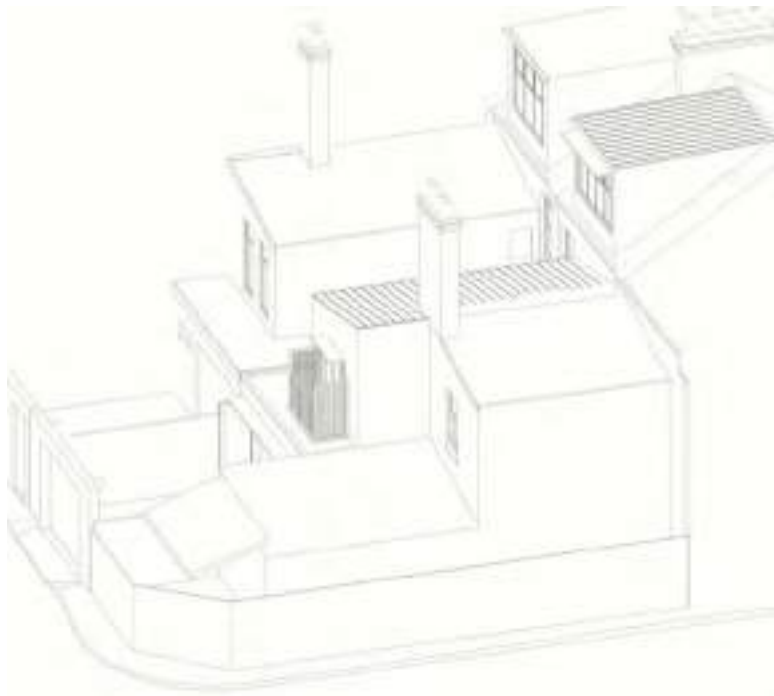
02 EXISTING SUN'S EYE WINTER 10 AM
NOT TO SCALE



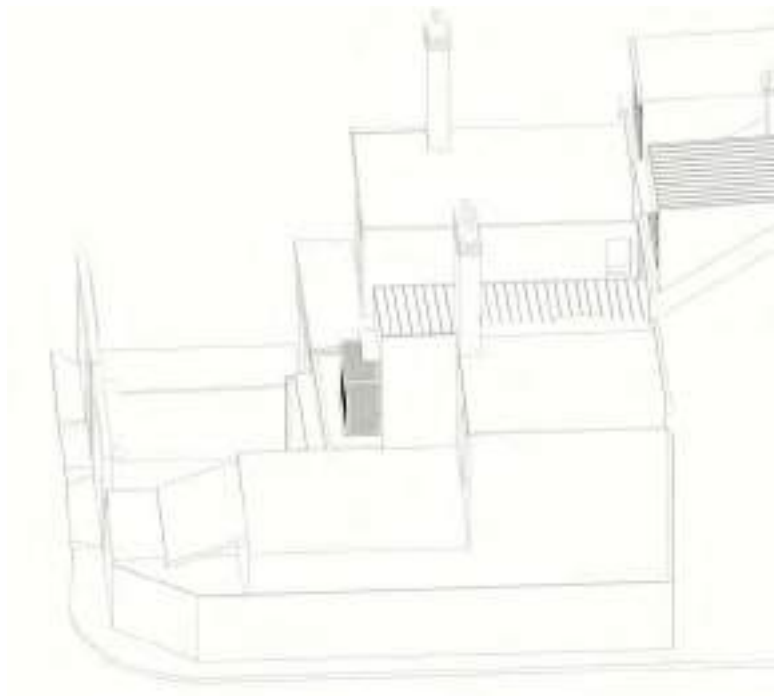
03 EXISTING SUN'S EYE WINTER 11 AM
NOT TO SCALE



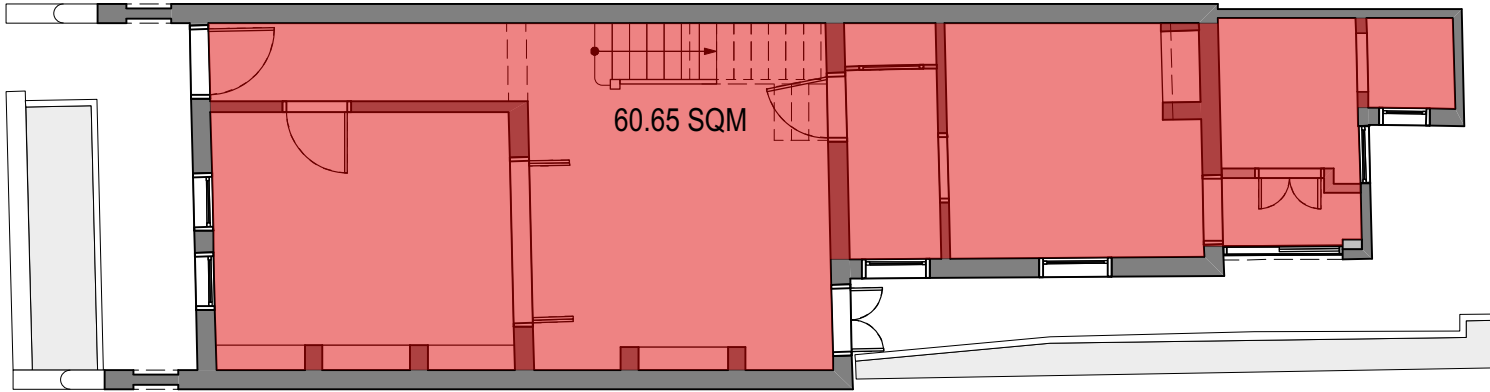
04 PROPOSED SUN'S EYE WINTER 9 AM
NOT TO SCALE



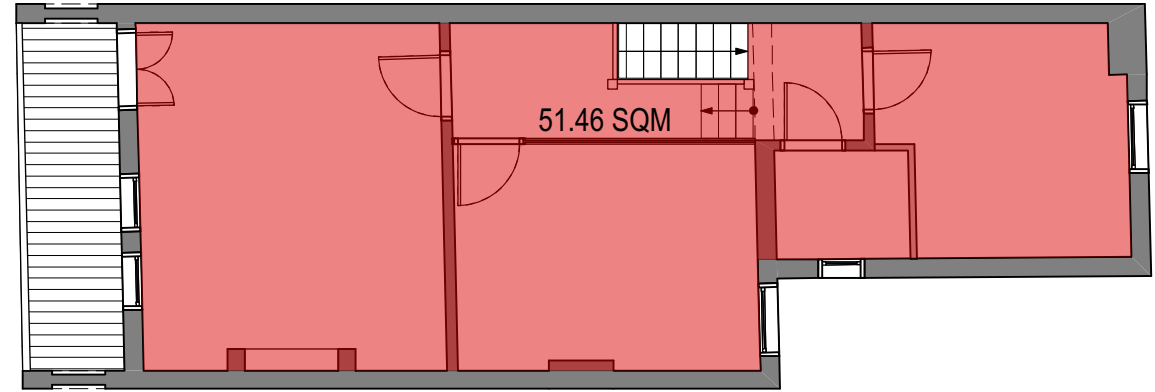
05 PROPOSED SUN'S EYE WINTER 10 AM
NOT TO SCALE



06 PROPOSED SUN'S EYE WINTER 11 AM
NOT TO SCALE

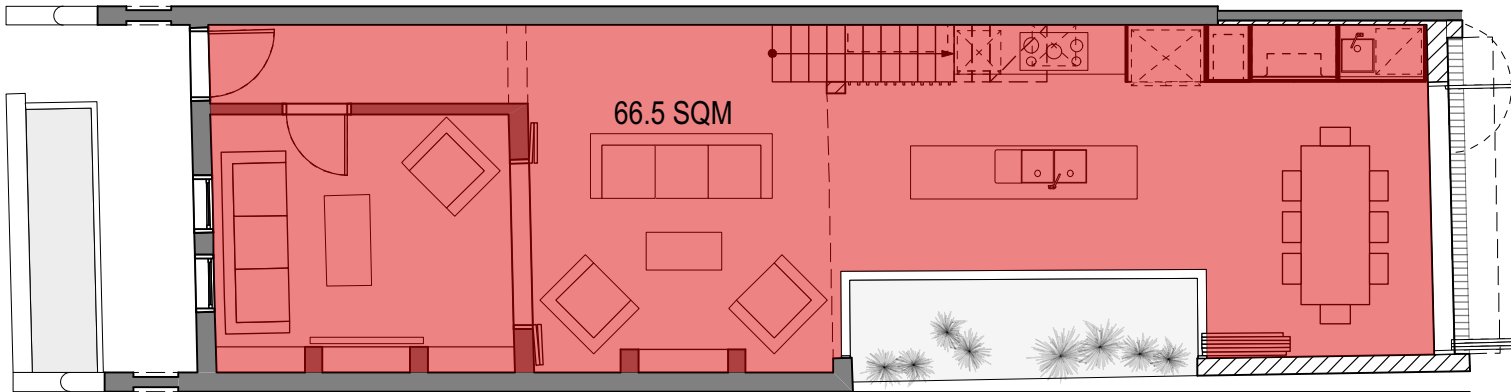


01 EXISTING GROUND FLOOR PLAN
1: 100

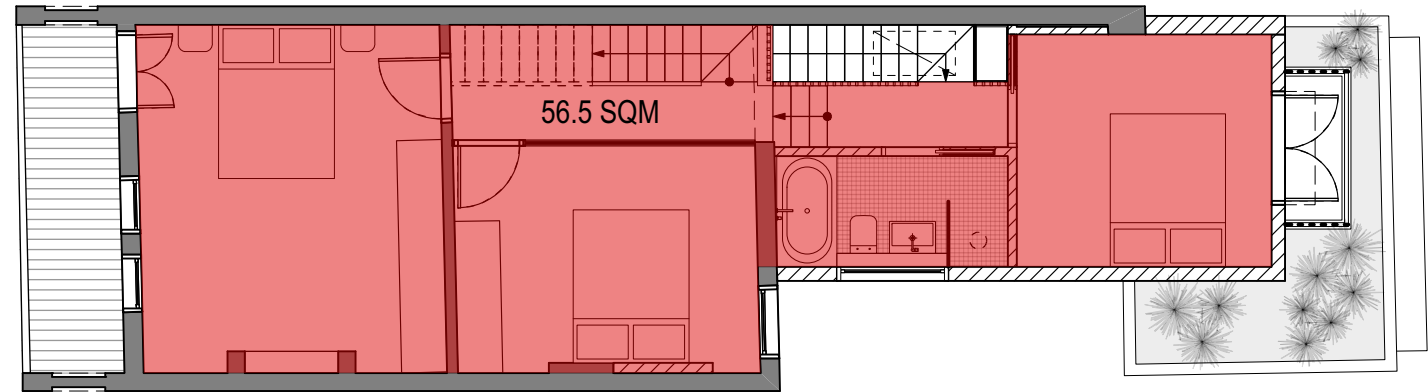


02 EXISTING FIRST FLOOR PLAN
1: 100

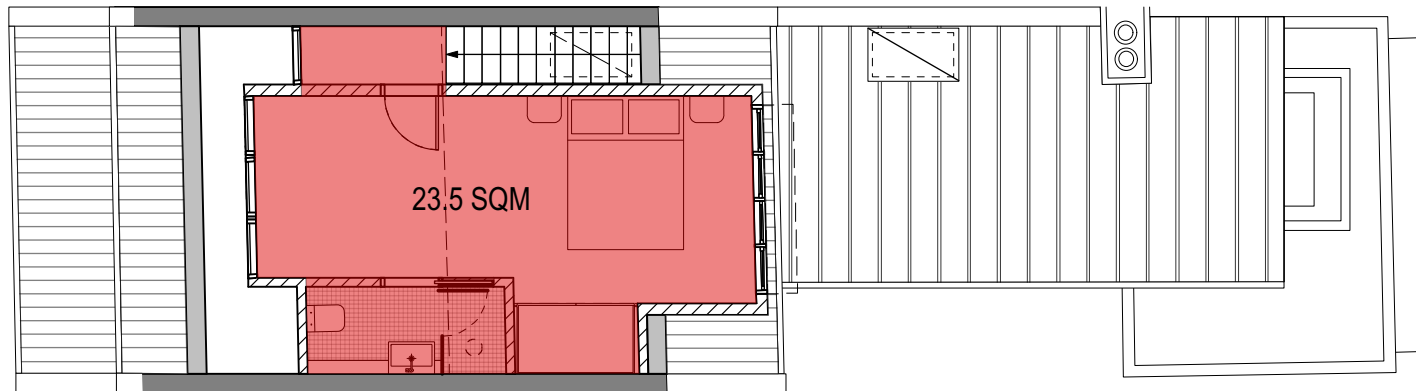
TOTAL EXISTING FLOOR AREA: 112.11 SQM



03 PROPOSED GROUND FLOOR PLAN
1: 100



04 PROPOSED FIRST FLOOR PLAN
1: 100



05 PROPOSED ATTIC PLAN
1: 100

TOTAL PROPOSED FLOOR AREA: 151.74 SQM

PROJECT AREA CALCULATIONS

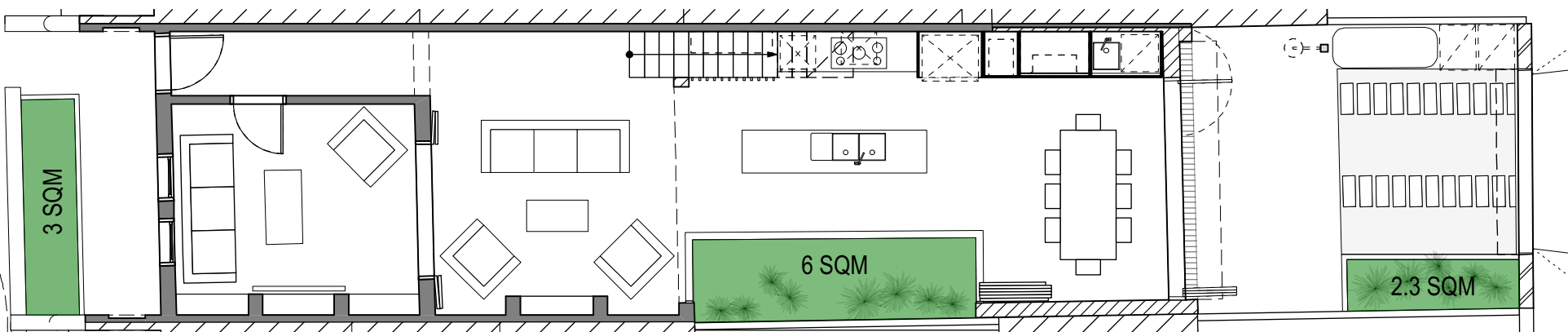
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ALLOWABLE FSR:	0.975:1	
ALLOWABLE GFA:	115.24	SQM
EXISTING GFA:	112.11	SQM
EXISTING FSR:	0.95:1	
DA PROPOSED GFA:	146.5	SQM
DA PROPOSED FSR:	1.24:1	

PROPOSED GFA CALCULATION

GROUND FLOOR:	66.5	SQM
FIRST FLOOR:	56.5	SQM
ATTIC FLOOR:	23.5	SQM
TOTAL:	146.5	SQM

LANDSCAPE AREA CALCULATION

REQUIRED OPEN SPACE (50% SITE AREA):	59.1	SQM
REQUIRED LANDSCAPE AREA (15% SITE AREA):	17.7	SQM
EXISTING OPEN SPACE:	50.15	SQM
	(42.4% SITE)	
EXISTING LANDSCAPE:	9.5	SQM
	(8.0% SITE)	
PROPOSED OPEN SPACE:	41.5	SQM
	(35.1% SITE)	
PROPOSED LANDSCAPE:	11.3	SQM
	(10% SITE)	



06 LANDSCAPE AREA PLAN
1: 100

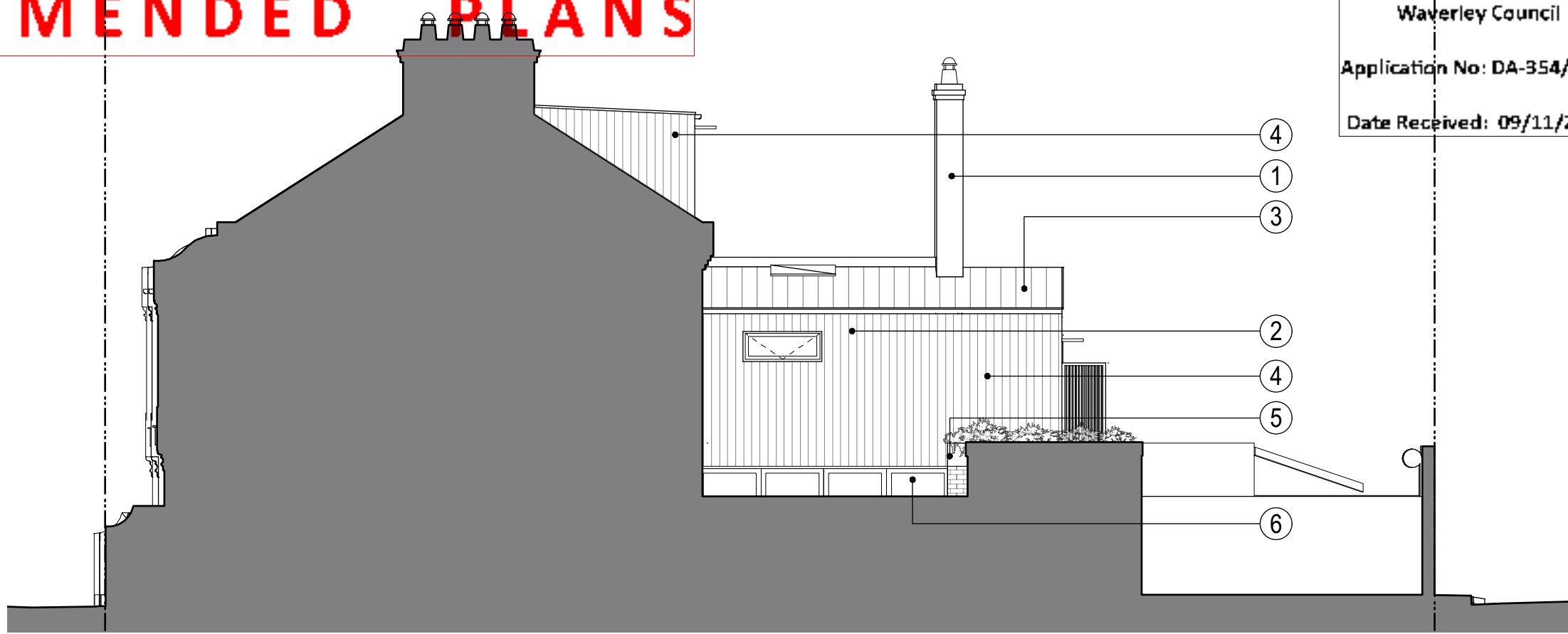
AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-354/2021
Date Received: 11/11/2021



AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-354/2021
Date Received: 09/11/2021



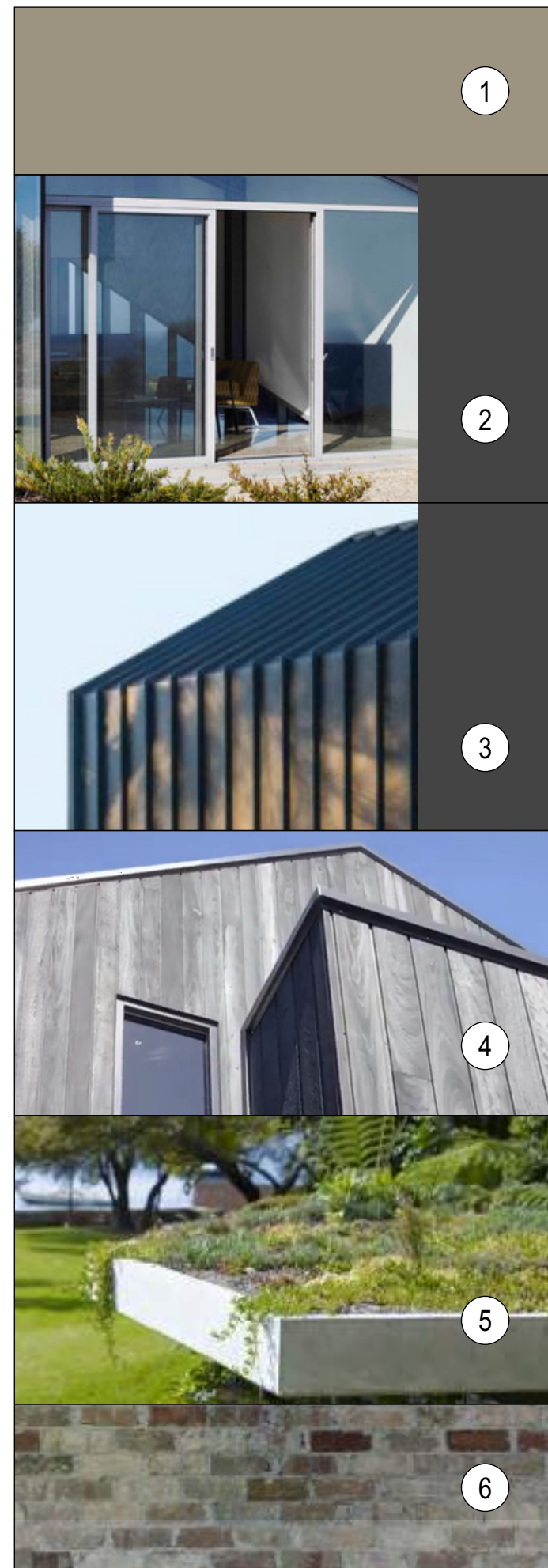
01 SOUTH ELEVATION
1: 100

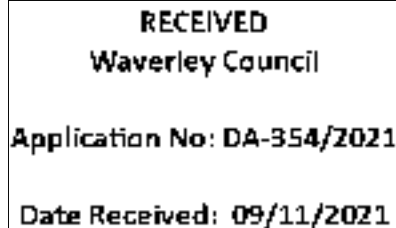


02 EAST ELEVATION
1: 100 GOWRIE LANE

EXTERNAL FINISHES LEGEND

1. EXISTING RENDERED MASONRY PAINTED, COLOUR DULUX 'BARNFLOOR' (OR SIMILAR)
2. ALUMINIUM FRAME WINDOWS/ GLAZED DOORS, COLOUR TO MATCH COLORBOND 'MONUMENT'
3. STANDING SEAM METAL ROOFING, COLOUR COLORBOND 'MONUMENT'
4. BLACKENED VERTICAL BOARD CLADDING
5. IN-SITU CAST CONCRETE GARDEN ROOF SLAB
6. FACE BRICKWORK, RECLAIMED SYDNEY SANDSTOCK (OR SIMILAR)





**FRED BARROS
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6th November 2021

Re: Maintain existing rear chimney
4 Ruthven Street Bondi Junction

Structural Certificate

I have visited the above site and inspected the existing fireplace and chimney at the rear of the existing 2 level terrace. The chimney is connected to the adjoining terrace. Above the roof, each chimney is 930mm wide by 470mm thick and approximately 2600mm high.

I have also reviewed the Architectural plans prepared by Ergo Architecture for the Alterations and Additions, Project 2114HEP, dated April 21. The main works are extensions to the rear and removal of various walls below the fireplace. There is also a new Attic over the front 2 rooms.

As has been carried out on several previous projects, the procedure for supporting the chimney will be as follows.

- Temporarily prop below chimney to support the brickwork
- Install permanent steel beams and posts forming a frame below the chimney
- Due to the height, for bracing, install 2 steel posts in the flue of the chimney and weld to the steel frame.

The above procedure is considered to be structurally satisfactory and capable of supporting the chimney in its original condition.

Yours Faithfully

Fernando Barros B.E. Hons M.I.E. Aust NER
CERTIFIED PRACTISING CIVIL/STRUCTURAL ENGINEER



Report to the Waverley Local Planning Panel

Application number	DA-213/2021
Site address	REDDAM House, 66-68 Oakley Road and 60 Blair Street, NORTH BONDI
Proposal	Alterations and additions to existing school (Reddam House), including its expansion onto the adjoining site at 60C Blair Street; and change of use from place of public worship (Jewish Learning Centre Building) to educational establishment.
Date of lodgement	9 June 2021 (Amended on 15 October 2021)
Owner	Inspired Australia Bondi Holdings Pty Ltd and Trustees of the Roman Catholic Church
Applicant	Inspired Australia Bondi Holdings Pty Ltd (C/- Minto Planning Services)
Submissions	Four unique submissions received.
Cost of works	\$4,599,100 (GST inclusive)
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with height of buildings and floor space ratio development standards • Traffic and parking • Heritage conservation
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 (DA) seeks consent for alterations and additions to the Senior Campus of Reddam House at the site known as 66-68 Oakley Road. The DA includes its expansion onto the adjoining site at 60C Blair Street, which is occupied by a former place of public worship use, known as the former St Anne's Convent building and recently approved as the 'Jewish Early Learning Centre' at the site known as 60 Blair Street, North Bondi.

The proposal is intended to be staged as follows:

- Stage 1: Conversion and adaptive reuse of the former St Anne's Convent building at 60 Blair Street into an education establishment to expand Reddam House onto this part of the site. This Stage increases the student population by 220 students and staff population by 15 staff.
- Stage 2: Alterations and additions to the existing Senior or Main Campus Building at 66-68 Oakley Road. This Stage further increases student population by 75 students.

The ultimate net increase of student numbers is 295 and staff numbers is 15.

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

- Non-compliance with height of buildings and floor space ratio (FSR) development standards under Waverley Local Environmental Plan 2012 (Waverley LEP 2012). The exceedance is greater than 10%, which is why this DA is referred to the Waverley Local Planning Panel for determination.
- Traffic and parking.
- Heritage conservation.

The assessment finds these issues acceptable, subject to conditions of consent ensuring that the increase of student and staff population/capacity, due to the proposed expansion of Reddam House, does not result in any net increase of vehicular trips to and from the school. The written requests to vary the height of buildings and FSR development standards are deemed well-founded to support these variations.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 15 September 2021.

The site comprises five lots that are identified as Lots 58-62 in DP15776. The site is known as two property addresses, being 66-68 Oakley Road (also known as Reddam House according to Council's property information records) and 60 Blair Street, North Bondi (formerly known as 60C Blair Street).

The site is irregular in shape with three frontage to Oakley Road, measuring 27.87m along its northern boundary, Mitchell Street, measuring 30.08m along its western boundary, and Blair Street, measuring 43.275m along its southern boundary. It has a combined area of 2,497.7m² and is generally flat with a slight fall away from the site's Blair Street frontage of some 1.8m towards its centre.

The site is occupied by the following:

- a part two, part three storey educational establishment building, known as the current Senior or Main Campus of Reddam House, on part of the site known as 66-68 Oakley Road; and
- a two storey brick building that was a former Convent (known as St Anne's Convent) and has an approved use as an early learning centre, known as the Jewish Learning Centre, on part of the site known as 60 Blair Street. This part of the site is identified as a local heritage item under Schedule 5 of Waverley LEP 2012, known as 'I376: 1930s style, brick religious building, St Anne's Convent of Mercy'.

The existing Senior Campus site of Reddam House does not comprise any off-street car parking. Part of the site known as 60 Blair Street, comprises one off-street car parking space in the form of a single garage that is accessed from Blair Street.

Opposite the site, to the west, and on the western side of Mitchell Street, known as St Annes Catholic Church Site (legally described as Lot 1 in DP317699), are the grounds of the Galilee Catholic Primary School and St Anne's Church. Part of this site that is occupied by St Anne's Church (see **Figure 7** of this report) is listed on the NSW State Heritage Register and identified as Listing No. 01637.

Opposite the site, to the south, and on the southern side of Blair Street, at 53-55 Blair Street, are playing courts that are part of the Reddam House Campus, however, is not part of the subject site as far as this DA is concerned.

The site is adjoined to the east by a pair of semi-detached dwellings at 62-64 Oakley Road and a residential flat building at 62 Blair Street.

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

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



Figure 1: The whole site as viewed from Mitchell Street, looking east



Figure 2: Part of the site, known as Reddam House, as viewed from the intersection of Mitchell Street and Oakley Road, looking south-east



Figure 3: Part of the site, known as 60 Blair Street, as viewed from Blair Street, looking north-west



Figure 4: Part of the site, known as Reddam House, as viewed from Oakely Road, looking south



Figure 5: Central courtyard area of existing Senior Campus, looking north-east



Figure 6: Inside the grounds of part of the site known as 60 Blair Street, looking north-west



Figure 7: Galilee Catholic Primary School (centre of photo) and St Anne's Church (left of photo) as viewed from Mitchell Street, looking south-west

1.3. Relevant Development History

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

- A DA, known as LD-642/2000 for alterations and additions to the Senior Campus building of Reddam House, including construction of a multi-purpose room fronting Oakley Road with a terrace above, was approved on 20 November 2000. This development consent comprises the following relevant operational conditions of consent:
 - Condition 2 requires the use of the multi purpose room to cease by 9:30pm.
 - Condition 3 restricts the use of the Level 2 roof terrace on the eastern side of the property to normal school hours.
- A DA, known as LD-855/2000 for erection of school crest, lighting and erection of flagpole was approved on 27 March 2001.
- DA-184/2014 for alterations and additions to an existing educational facility and provision of an early learning centre, including car parking and landscape works to part of the site known as 60 Blair Street was withdrawn on 5 January 2015 after receiving legal advice that the proposed use was prohibited.

- DA-254/2015 for alterations and additions to an existing heritage building for a child care centre on 60 Blair Street was refused by the former Waverley Development Assessment Panel (WDAP) on 25 November 2015, principally on prohibited use and adverse heritage conservation impact grounds.
- A former section 82A review application, known as DA-254/2015/1 to review the refusal determination of the original DA to provide a new child care centre, was deferred by the WDAP on 27 April 2016, however, remained undetermined as a Class 1 Appeal was filed against the refusal of DA-254/2015, following the deferral of DA-254/2015/1.
- A separate DA, known as DA-466/2016 for use the existing building as a place of public worship (Synagogue), associated religious and community education and ancillary dormitories for religious educators on 60 Blair Street was approved on 18 December 2017 by the Order of the NSW Land and Environment Court. This Order also approved DA-254/2015. These consents effectively enabled a change of use of the former Convent building into what is known as the 'Jewish Early Learning Centre'.

Prior to the lodgement of the subject DA, a pre-DA, known as PD-33/2020 for alterations and additions to existing school including change of use to an educational establishment for the expansion of the existing school, was lodged with Council on 31 July 2020. This pre-DA related to the subject site (that is part of this DA) and the ground of the Galilee Catholic Primary School and St Anne's Church. Written advice was provided to the applicant on 2 September 2020 and its substance and findings are summarised as follows:

- Implications of SEPP (Educational Establishment and Child Care Facilities) 2017 on the design and planning considerations of the proposal.
- Advice on relevant planning approval pathway (i.e. State or regionally significant development and/or integrated development given the State Heritage Item of St Anne's Church).
- Advice on building height of any alterations and additions being compatible with the scale of surrounding development.
- Application of floor space ratio development standard.
- Traffic and transport impacts.
- Built form and urban design considerations, specifically in regard to the design quality principles under SEPP (Educational Establishments and Child Care Facilities) 2017.
- Heritage impacts.

1.4. Proposal

The DA, as amended on 15 October 2021, seeks consent for alterations and additions to the Senior Campus building of Reddam House and a change of use or adaptive reuse of the St Anne's Convent building (presently approved as the 'Jewish Early Learning Centre') to an educational establishment, specifically the following physical works:

- In relation to the part of the site known as 60 Blair Street, known as **Stage 1** of the proposal on Drawing No. DA-1005(Revision E):
 - demolition of certain internal walls;
 - demolition of single garage fronting Blair Street and in the south-eastern corner of the site;
 - removal of window frames and timber infill panels across external openings across the western, northern and eastern elevations on first floor level;
 - removal of external air-conditioning units;
 - provision of five new classrooms or 'teaching spaces', an office, a series of toilets and a comms unit on ground floor level;
 - provision of five new teaching spaces and a series of toilets on first floor level;
 - installation of a new internal lift connecting ground and first floor levels;
 - restoration works to the verandah areas on ground and first floor levels; and
 - new external fire stair connected to the eastern (and rear) verandahs of the St Anne's Convent building.
- In relation to the existing Reddam House Senior or Main Campus building, known as **Stage 2** of the proposal on Drawing No. DA-1005(Revision C):
 - demolition of certain external and internal walls across the ground and first floor levels, including canteen.
 - installation of an external lift shaft in central courtyard area, connecting all floor levels and an overrun measuring to a Reduced Level of 31.153;
 - extension of the existing terrace/balcony on the northern and eastern sides of first floor level, measuring a total of 125.1m² (i.e. a net increase of 8.7m²);
 - provision of four new teaching spaces on ground floor level;
 - provision of two new teaching spaces on first floor level;
 - provision of new student and staff toilet facilities on first and second floor level;
 - provision of 370mm high timber palisades above the original brick balustrades of the first floor verandahs across all elevations; and
 - construction of an external front stair leading from Mitchell Street to a passageway between the existing Senior Campus and the St Anne's Convent buildings.

- Minor earthworks as part of significant landscaping works to part of the site known as 60 Blair Street, including provision of hard and soft landscaping and retaining walls.
- Provision of a standalone mechanical plant enclosure adjacent to the Blair Street frontage.
- Tree removal.
- Three motorcycle parking spaces on the south-eastern corner of the site, utilising the existing driveway accessed from Blair Street.
- Provision of a series of bicycle racks to accommodate a total of 94 bicycle parking spaces.

The proposal is visualised in a series of photomontages that are included with the DA and **Figures 8 and 9** of this report are some of these.



Figure 8: Photomontage of the proposed refurbished St Anne's Convent Building, as viewed from the intersection of Mitchell and Blair Street, looking north-east (Source: Fulton Trotter Architects)



Figure 9: Photomontage of the proposed refurbished **Senior Campus Building**, as viewed from the intersection of Mitchell Street and Oakley Road, looking south-east (Source: Fulton Trotter Architects)

The Senior Campus of Reddam House is not governed by a development consent that sets clear operational limits, such as student and staff capacity and hours of operation, other than two conditions in the most recent development consent, known as LD-642/2000, for a small portion of the Campus (refer to section 1.3 of this report for details about this consent).

The DA seeks changes to the capacity and operation of Reddam House as part of the expansion onto part of the site known as 60 Blair Street, most notably, an ultimate increase of 295 students and 15 staff. **Table 1** below is a summary of the numerical changes to the capacity of Reddam House.

Table 1: Changes to operational aspect of Reddam House

Aspect	Existing	Stage 1	Stage 2
Student population	450	670 (an addition of 220 students)	745 (an addition of 75 students)
Staff population	22	37 (an addition of 15 staff)	37
Number of Teaching Spaces	11	21 (an addition of 10 teaching spaces)	26 (an addition of 5 teaching spaces)
Number of Bicycle Parking spaces	10	94 (an addition of 84 spaces)	94
Number of Motorcycle Parking spaces	Nil	3 (an addition of 3 spaces)	3

The amended DA includes a Plan of Management (PoM) and an Operational Transport Management Plan (OTMP), which outline other important operational aspects of Reddam House. These are as follows:

- The school will accommodate high school students only (i.e. Years 7 – 12).
- Core hours of operation between 7:30am and 4:30pm, Monday to Friday.
- Before and after school activities, including:
 - Practice for Bondi Singers on Wednesday mornings at 7:45am;
 - Private music tuition before and after school starting at 7:30am and concluding at 6.00pm on weekdays.
 - Basketball training between 7.00am and 8:30am and 3:30pm and 5:00pm on weekdays.
 - Academic activities, such as debating, drama and theatre, between 3:30pm and 5:30pm on weekdays.
- The use of the proposed expanded outside terrace on the first floor level of the Senior Campus building will continue as a passive recreation/breakout space for students to eat their lunch and outdoor study.

- A proposed satellite car parking arrangement for staff in Bondi Pacific Car Park at 180 Campbell Parade with a shuttle bus service between Reddam House and this car park. The allocated staff car parking is 10 spaces.
- Provision of a 'no parking' or 'kiss and ride' zones along the full extent of the kerbside directly opposite the site to the west and on the western side of Mitchell Street and on part of the northern side of Blair Street that the site fronts.

The DA also seeks to make amendments to parking and traffic restrictions along Mitchell Street and Blair Street due to the proposed 'no parking' kiss and ride facility, which would require concurrence under section 138 of *Roads Act 1993*. Given Council is the relevant road authority for both Mitchell Street and Blair Street, a referral to the NSW Roads and Maritime Services (RMS) for concurrence is not required, however the DA was referred to the RMS and Transport for NSW for comment as the proposal is deemed 'traffic-generating development'. The DA was referred to Council's Traffic Committee at its meeting held on 28 October 2021 in relation to these amendments.

1.5. Background

The development application was lodged on 9 June 2021 and deferred on 23 August 2021 for the following reasons:

1. Traffic and transport matters, specifically in relation to additional traffic generation and parking demand caused by the proposed increase of student and staff population to Reddam House.
2. Stormwater management.
3. A request for the preparation and submission of a Plan of Management that captures full operations of the School.
4. Fire safety and National Construction Code matters.

During the deferral period, a meeting between the applicant and their representatives and Council's Traffic and Transport staff and Assessment Officer for this DA was held on 29 September 2021 in relation to Item 1 of the deferral matters (i.e. traffic and transport). It was agreed that this aspect of the DA would be required to be referred to Council's Traffic Committee at its meeting to be held on 28 October 2021.

Council received amended plans and additional information relating to the deferral matters on 15 October 2021. However, further requests for additional and amended information were made on 4 and 5 November 2021 and these requests are summarised as follows:

1. Confirmation of existing and proposed increased student, staff and teaching spaces numbers.
2. Details of calculation of the overall gross floor area and floor space ratio of the proposal.
3. Clarification on measurement of overall building height of the new lift shaft.
4. Adequacy of the clause 4.6 written requests.

5. Revised elevation drawings clearly depicting new works to both buildings by colour and other markers.
6. Clarification of the use of the expanded first floor terrace of the existing Senior Campus building.
7. Further operational details in the Plan of Management.
8. Feedback and request for additional details from Council's Heritage Advisor.

Amended plans and additional information in response to these most recent requests were received by Council on 19 November 2021. These included shadow diagrams to support the clause 4.6 written requests.

The overall submission of amended documents during the assessment effectively provided for additional information rather than making design amendments to the DA. Notwithstanding, a summary of amendments to the original form of the DA when it was initially lodged is as follows:

- Provision of three motorcycle spaces at the south-eastern corner of the site where the current garage/shed is located with existing vehicular access from Blair Street.
- Provision of 84 additional bicycle spaces across part of the site known as 60 Blair Street.
- Inclusion of the School's crest signs and the vertical metal beams, hoods/awnings and sun shading devices on the windows across the western elevation on architectural drawings as these were missing from the original set and were implied to be deleted. These elements are now proposed to be retained.

These amended documents did NOT change the fundamentals of the substance of the DA nor amended the design in such a way that would result in additional and/or greater impacts, and form the basis for the assessment of this DA.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP 55 Remediation of Land.

- SEPP (Vegetation in Non-Rural Areas) 2017.
- SEPP (Educational Establishment and Child Care Facilities) 2017.
- SEPP (State and Regional Development) 2011, noting that the capital investment value of this DA is less than the relevant thresholds for it to be classed 'regionally' and 'State significant development'. Therefore, Waverley Council is the relevant consent authority for this DA.
- SEPP (Infrastructure) 2007.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Educational Establishment and Child Care Facilities) 2017

The land use of the proposal is defined as an 'educational establishment', which includes 'schools', meaning a 'government' or 'non-government school' under the *Education Act 1990*. Therefore, this DA is required to be assessed against Part 4 *Schools – specific development controls* under SEPP (Educational Establishment and Child Care Facilities) 2017.

Clause 35 of this SEPP sets out relevant provisions for schools requiring development consent. Clause 35(6) requires the following before development consent can be granted:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Table 2 below is a summary of assessment of the proposal against the design quality principles set out in Schedule 4 of the SEPP.

Table 2: Assessment against the Seven Design Quality Principles for Schools under SEPP (Educational Establishment and Child Care Facilities) 2017

Principle	Planning Comment
Principle 1—context, built form and landscape	<p>Satisfactory. The proposal provides for modest external alterations and additions to two distinct yet interrelated buildings on the subject site. The proposed additions do not discernibly enlarge the perceived overall envelope and massing of these buildings when viewed from the surrounding public domain and neighbouring properties. The proposal is considered compatible with the built form context of the site, despite exceedances of both height of buildings and floor space ratio (FSR) development standards under Waverley Local Environmental Plan 2012 (Waverley LEP 2012) (refer to discussion on this aspect of the proposal in section 2.1.2 of this report).</p> <p>The proposed built form and landscaping treatments are generally complementary to the original design integrity of both the buildings and will have an acceptable impact on the heritage significance of the St Anne's Convent building.</p>

Principle	Planning Comment
Principle 2—sustainable, efficient and durable	Satisfactory. The proposal notably includes solar panels and bicycle parking, which bolster its sustainability credentials. The proposal also indicates commitment to sustainable waste management practices.
Principle 3—accessible and inclusive	Satisfactory. The proposal includes two lifts in either building and upgrades to ramp and circulation spaces across the whole site to enable ample accessibility for all users of the school. The provision of recreational open space area behind the Convent building would not be considered significant enough to be shared with the community to cater for activities outside of school hours.
Principle 4—health and safety	Satisfactory. The proposal maintains the original and low-rise front fences that address Mitchell and Blair Streets, while also providing for adequate security requirements for the school grounds. It also provides new pedestrian entry points along Mitchell and Blair Streets, which have been designed to be legible and safe (i.e. unencumbered by obstructions and areas of concealment).
Principle 5—amenity	Satisfactory. The proposal provides for mostly passive recreational open space to the rear of the Convent building, which is currently underutilised space. The landscaping scheme of this area will comprise a series of hard and soft landscaping, which is expected to make this space pleasant and engaging, and consequently, a significant boon to the amenity of students. The landscaping treatment will also positively contribute to the Blair Street streetscape.
Principle 6—whole of life, flexible and adaptive	<p>Satisfactory. The proposal successfully adaptively reuses a former Convent for the purposes of a school and provides for contemporary and flexible teaching spaces, including sliding dividing walls between teaching spaces, that are expected to be future proofed.</p> <p>Further, the proposal introduces a drop off and pick up zone (i.e. 'kiss and ride') adjacent to the Mitchell Street entries of the school grounds, which appropriately responds to the traffic and parking constraints of the site and its surrounds. Conditions of consent are recommended regarding the preparation and implementation of a OTMP and Green Travel Plan (GTP) with the ultimate objective to not increase vehicular trips to and from the school as a result of its proposed expansion.</p>
Principle 7—aesthetics	Satisfactory. The proposal conserves and enhances the original St Anne's Convent building in its adaptive reuse as a school. Despite additional gross floor area (GFA) and building height, the proposal does not discernibly enlarge the current and collective building envelope, volume and massing of the Senior Campus and Convent buildings when viewed from the surrounding public domain and neighbouring properties. It responds satisfactorily to the existing and desired future context and character of the surrounding neighbourhood.

In terms of clause 35(6)(b) of the SEPP, the proposal does not include significant and active recreational facilities that would reasonably enable these to be shared with the local community, such as a swimming pool or playing fields.

Clause 35(9) of the SEPP states the following: *A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*

This DA is development of a kind referred to in subclause (1), as it is for the purposes of a school in a prescribed zone (i.e. SP2 Zone). Despite clause 35(9) of the SEPP, the DA is still assessed against Waverley Development Control Plan 2012 (Waverley DCP 2012), as outlined in section 2.1.3 of this report, however, conditions of consent directly relating to Waverley DCP 2012 will not be recommended as per clause 35(9) of the SEPP.

Part 7, clause 57 of the SEPP defines whether schools or any other educational establishment are 'traffic-generating development'. By virtue of the proposal involving an increase of 50 or more additional students and an enlargement or extension of existing premises on a site that has direct vehicular or pedestrian access to any road, matters under clause 57(3) of the SEPP must be taken into consideration. These are as follows:

- (a) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
- (b) the accessibility of the site concerned, including—*
 - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (ii) the potential to minimise the need for travel by car, and*
- (c) any potential traffic safety, road congestion or parking implications of the development.*

The DA was referred to the NSW Roads and Maritime Services, which is an agency of Transport for NSW, as per clause 57(2) of the SEPP and raised the following commentary:

TfNSW has reviewed the submitted application and raises no objection to the alterations and additions as it is unlikely to have a significant impact onto the classified road network.

Further to this commentary, Council's Traffic Engineer and Manager, Traffic and Transport provided their own analysis of the proposal, which addressed the matters for consideration outlined in subclauses (a) (b) mentioned above. This analysis and commentary are provided in section 2.1.3 of this report.

The proposal is considered acceptable against the relevant provisions of the SEPP.

2.1.2. Waverley LEP 2012

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the relevant aims of Waverley LEP 2012, particularly given it is expanding on and improving an existing social infrastructure use, i.e. school.
Part 2 Permitted or prohibited development		
Land Use Table SP2 Infrastructure Zone (Educational Establishment and Place of Public Worship)	Yes	<p>The entire site is zoned SP2 Infrastructure with the specific land uses of 'educational establishment' and 'place of public worship' notated on the Land Use Map of Waverley LEP 2012.</p> <p>The proposal retains the 'educational establishment' use of the current Senior Campus of Reddam House occupying part of the site known as 66-68 Oakely Road. It also involves a change of use of the former Convent building on part of the site known as 60 Blair Street from 'place of public worship' to 'educational establishment' as part of the expanded occupation of Reddam House onto this part of the site.</p> <p>The proposal is therefore permitted with development consent in the SP2 Zone and also consistent with the objectives of the zone.</p>
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	<p>The proposed lift well/shaft will increase the overall building height of existing buildings to 11.834m, which is measured to the top of its overrun at RL31.414 directly above existing ground level of RL19.300. The lift well/shaft therefore varies the height of buildings development standard by 2.334m or 24.5%.</p> <p>The alterations and additions proposed to the St Anne's Convent building also exceed the height of buildings development standard, however, do not increase the existing overall building height of the Convent building.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space	No	The overall GFA of all existing buildings on the site is 1,969m ² , which results in a FSR of 0.79:1.

Provision	Compliance	Comment
ratio <ul style="list-style-type: none"> 0.6:1 Site Area = 2,497.7m² Max GFA = 1,498.62m² 		The overall GFA of the proposal is 1,889m ² , which achieves an FSR of 0.75:1. The proposal decreases the overall GFA of all buildings on the site by 80m ² . However, it will exceed the FSR development standard of 0.6:1 by an overall of 391m ² or 26.1%.
4.5 Calculation of floor space ratio and site area	Yes	The site is comprised of five lots and the DA relates to all five lots, proposing significant works on each lot. Therefore, the overall site area is taken to be the area of all lots, which is 2,497.7m ² , and the FSR development standard is applied based on this site area.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	See discussion	Part of the site is comprised of a local heritage item, known as 'I376: 1930s style, brick religious building, St Anne's Convent of Mercy'. A detailed discussion of the heritage impact of the proposal is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils <ul style="list-style-type: none"> Class 5 	Yes	The proposal includes minimal disturbance to the ground level and it is not considered that it will alter the water table. Therefore, acid sulfate soils are not considered to be a significant issue.
6.2 Earthworks	Yes	There are minor earthworks in the form of cut and fill within the open space area behind the St Anne's Convent for landscaping embellishments. These cut and fill works are considered reasonable and would be appropriately managed by imposing standard relevant conditions of consent to prevent significant damage and disturbance to the soil and land stability of the site and its immediate surrounds.

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 and FSR development standards in clause 4.4 under Waverley LEP 2012.

Building Height

The site is subject to a maximum height of buildings development standard of 9.5m. The proposal has an overall building height of 11.834m (as defined by the new lift shaft/well at the existing Senior Campus building), exceeding the standard by 2.353m, equating to a 24.8% variation.

The applicant has specified that the proposed lift shaft will increase the current overall building height of the Senior Campus building of 11.16m by 674mm. The proposed alterations and additions to the St Anne's Convent building will exceed the height of buildings development standard, however, will not increase the current overall building height of the Convent building, which is 11.29m. The top of the lift shaft will therefore define the overall building height of all buildings on the site, being 11.834m.

FSR

The site is subject to a maximum FSR development standard of 0.6:1 and is based on the overall area of the site in accordance with clause 4.5 of Waverley LEP 2012. The current overall FSR of all buildings on the site is 0.79:1, which equates to 1,969m² of GFA. The proposal will decrease the current overall FSR to 0.75:1 and overall GFA to 1,889m² by 80m² of gross floor area, however, will exceed the FSR development standard. This exceedance is 391m² of GFA or 26.1%.

Two separate written requests have been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of both development standards by attempting to address:

- (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 requests has been provided to the Waverley Local Planning Panel for consideration.

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *Compliance with the development standard is unreasonable or unnecessary given that the proposal is consistent with the objectives of the development standard in that the proposal:*

- *is considered to result in a development which is compatible with the height and scale of surrounding and nearby development, noting that no significant change is proposed to the existing building height;*
 - *will not result in any unreasonable visual impacts, disruption of views or loss of privacy; and*
 - *will not result in any visual impacts when viewed from public places as the alterations and additions to the buildings are compatible with the desired future character of the locality and will positively complement and contribute to the physical definition of the street network and public space.*
- (ii) *The proposed increase of building height of the Main Campus Building is associated with the provision of equitable access throughout the existing building via a new passenger lift.*
- (iii) *The installation of the lift within the existing Campus Building results in a net increase of building height of 674mm as the building has a height of 11.16m, which already exceeds the height of buildings development standard.*
- (iv) *The alterations and additions to the St Anne's Convent Building has an existing building height of 11.29m, which also exceeds the height of buildings development standard. The proposed alterations and additions to the existing buildings have been designed so as to be contained either within the existing roof form or to have a height no higher than the existing ridge.*
- (v) *The overall alterations and additions are of a design which are in keeping with the surrounding character, are appropriate for the heritage item and will make a positive contribution to the existing streetscape.*
- (vi) *The proposed alterations and additions will not result in any unreasonable impacts upon the adjoining properties and the streetscape as a result of its non-compliant building height.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed increase of building height of the Main Campus Building is associated with the provision of equitable access throughout the existing building via a new passenger lift.*
- (ii) *The existing buildings currently have heights that exceed the height of buildings development standard.*
- (iii) *The proposed alterations and additions to the existing buildings have been designed so as to be contained either within the existing roof form or to have a height no higher than the existing ridge.*
- (iv) *The proposal will not result in any additional negative impacts on the privacy or amenity of the adjoining properties.*

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) *Compliance with the development standard is unreasonable or unnecessary given that the proposal is consistent with the objectives of the development standard in that the proposal:*
- *is considered to result in a development that is compatible with the height, bulk and scale of surrounding and nearby SP2 zoned development, noting that no significant change is proposed to the existing building bulk;*
 - *will not result in any unreasonable visual impacts, disruption of views or loss of privacy; and*
 - *will not result in any visual impacts when viewed from public places as the alterations and additions to the buildings are compatible with the desired future character of the locality and will positively complement and contribute to the physical definition of the street network and public space.*
- (ii) *The existing building currently has an FSR of 0.79:1, which exceeds the FSR development standard.*
- (iii) *The changed FSR is associated with the reconfiguration of space internal to the existing building and does not result in any external changes to the existing built form.*
- (iv) *The proposal does not reduce existing setbacks of buildings on the site.*
- (v) *The proposal remains compatible with the character of the locality as the proposal does not result in any external changes to the existing built form.*
- (vi) *The proposal will not result in any changes to the environmental amenity of neighbouring properties and the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The existing FSR of the site is 0.79:1, which exceeds the FSR development standard.*
- (ii) *The changed FSR is associated with the reconfiguration of space internal to the existing building and does not result in any external changes to the existing built form.*
- (iii) *The proposal does not reduce existing setbacks of buildings on the site.*
- (iv) *The proposal remains compatible with the character of the locality as the proposal does not result in any external changes to the existing built form.*
- (v) *The proposal is associated with an existing school, which is under pressure to provide for additional student places in order to serve the surrounding community.*

Consideration of Applicant's Written Requests - 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.

Do the written requests 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 directly above to address clause 4.6(3)(a) of Waverley LEP 2012 in both written requests. This is considered sound justification as the applicant demonstrates that the variations to both height of buildings and FSR development standards preserve the environmental amenity of neighbouring properties given these do not give rise to any discernible adverse and additional impacts. The applicant successfully highlights that the proposal does not change the perceived and collective building height, bulk and scale of the existing Senior Campus and St Anne's Convent buildings as it involves modest external alterations and additions to these buildings when viewed from the surrounding public domain and neighbouring properties. These variations arise from future-proofing the educational establishment, such as providing a lift and providing sufficiently sized teaching spaces to cater for contemporary needs of the school. The applicant has therefore reasonably established the case that compliance with both development standards is unreasonable and unnecessary and demonstrated that, despite variations to the development standards, the objectives of these standards have been met.

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 standards.

Height of Buildings

The applicant has established sufficient environmental planning grounds or reasonable justification to vary the height of buildings development standard. The variation is caused by the uppermost part of the proposed external lift shaft to the centre of the existing Senior Campus building. As the applicant has correctly stated, the lift is to improve and provide for equitable access to all floor levels of this building as part of the proposed refurbishment of the building. Given the lift is sited in the centre of the building, its overall building height will be inconspicuous from neighbouring properties and the surrounding public domain and will not accentuate the perceived height, bulk and scale of the building. Further, the applicant is correct to anticipate that the lift will not cause any overshadowing, view loss, privacy and visual impact upon neighbouring properties given its siting and small protrusion above the existing roof level of the Senior Campus building.

In relation to alterations and additions to the St Anne's Convent building, while some of these works exceed the height of buildings development standard, including the provision of solar panels on the roof of the building, they do not increase the current overall building height of the building. Therefore, the works that exceed the height of buildings development standard have negligible implications and impacts upon neighbouring properties and the surrounding public domain.

The applicant's written request adequately addresses clause 4.6(3)(b) of Waverley LEP 2012 as there are sufficient environmental planning grounds to justify contravening the height of buildings development standard.

FSR

The applicant has also established sufficient environmental planning grounds or justification to vary the FSR development standard. The proposal results in a net reduction of overall GFA and FSR of all buildings on the site given the removal of enclosures on the ground floor verandahs of the Convent building and the new external circulation space in the Senior Campus Building as well as redistribution of existing GFA within these two buildings. The applicant is correct to highlight that the proposed external alterations do not add to the current collective envelopes of both buildings, particularly as the building setbacks of both buildings remain unchanged. This is clearly demonstrated by the fact that the proposal does not technically increase the overall GFA and FSR of all buildings on the site, but rather, results in a net decrease of 80m². In this regard, the variation can be supported as it does not result in the existing buildings being incompatible with the built form character of the locality. Further, the variation to the FSR development standard will not result in any discernible additional and adverse impacts on the environmental amenity of neighbouring properties.

The applicant's written request adequately addresses clause 4.6(3)(b) of Waverley LEP 2012 as there are sufficient environmental planning grounds to justify contravening the FSR development standard.

Is the development in the public interest?

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

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

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The 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 SP2 Infrastructure Zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The applicant has reasonably assessed the dual variations of the height of buildings and FSR development standards against the applicable objectives of these standards and the SP2 zone. Both variations will preserve the environmental amenity of neighbouring properties and the surrounding public domain and locality as these do not:

- affect any known public and private views that may be available over and across the site;
- result in discernible overshadowing of neighbouring properties and the surrounding public domain;
- generate adverse visual and acoustic privacy impacts; and
- cause discernible additional visual impacts given that the variations do not enlarge the perceived collective envelopes of both buildings on the site.

The variations therefore meet the fundamental objective of both development standards to preserve the environmental amenity of neighbouring properties and the surrounding public domain and locality.

The applicant has also reasonably argued that proposed refurbishment of an existing educational establishment together with the adaptive reuse of a former place of worship building to an educational establishment (and an expansion of an existing adjoining use) directly achieves the objectives of the SP2 zone. Therefore, the variations are completely consistent with the zone objectives.

Conclusion

For the reasons provided above, the requested variation to the height of buildings and FSR development standards is supported as the applicant's written requests have adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012. In addition, the proposed development is in the public interest because it is consistent with the objectives of height of buildings and FSR development standards and the SP2 zone.

Heritage Conservation

Part of the site known as 60 Blair Street is occupied by the former Convent building, which is listed as a local heritage item, known as Item No. I376 under Schedule 5 of Waverley LEP 2012. Opposite the site to the west and on the western side of Mitchell Street is the St Anne's Church, which is listed on the NSW State Heritage Register and identified as Listing No. 01637. The proposal has no effect on this State Heritage Item.

A heritage impact statement has been submitted with the DA, which assesses the impact of the proposal on the heritage significance of the former Convent building. This meets the requirements of subclauses (4) and (5) under clause 5.10 of Waverley LEP 2012. The DA was referred to Council's Heritage Advisor to consider the effect of the proposal on heritage significance and their commentary (relating to heritage matters) is provided as follows:

- *The proposed development engenders substantial change to the inner layout of the Reddam House school building [North Bondi Site 1] and largely internal alterations to the former Convent approved as a Jewish Learning Centre. [North Bondi Site 2].*
- *Works to the High School Building [North Bondi Site 1] are proposed as Stage 2 of the application and are considered cohesive with both the existing building and to maintain the neutral form and relationship with the adjoining and opposite heritage listed buildings.*
- *Works to the approved Jewish Learning Centre / Convent comprise extensive internal removal of walls to form larger teaching spaces ; replacement of timber balustrading above brick sills to outer colonnades, replacing these in matching details of BCA compliant height; construction of an external metal framed timber treaded stair to the north east corner of the building; addition of air exhausts and PV panels to the main roof slopes and extensive hard and soft landscaping and new entry stairs about the listed building.*
- *The works are generally cohesive with the identified significance of the former Convent and, it appears, unrealised learning centre. Items requiring further information include:*

- *Details of proposed interior treatment to joinery, lighting set into or fixed to walls and ceilings and the fixing of PV panels to tile roofs.*
- *Details of the interface of hard landscaping with the existing building including means of preventing termite attack to the proposed timber decks. [The base ground here is sand, highly suited to termite burrowing and nesting particularly where warmed by an overlying timber deck].*
- *Details of any additional security fencing about the site.*
- *Details of any additional signage and external lighting about the site.*
- *Clarification of disability movement access provisions into and about the site.*
- *Removal of the existing garage from the eastern grounds is considered to have minimal impact on the significance of the site.*
- *The proposed external stair is considered to have an acceptable form and detail.*

Further, the Heritage Advisor recommended the following to maintain cohesion with the existing contributory fabric of the St Anne's Convent building:

- *All external face brickwork is to remain exposed without paint, render or other applied finish.*
- *Any replacement of roof tiling is to closely match the existing pattern, colour and finish of the tiles.*
- *The large over flashing of roof mounted exhaust vents is to be further investigated as to alternate, more discrete, flashings and possible relocation of vents to the north and east facing roof slopes rather than the west and south facing roof slopes.*
- *Any new entry gates through existing brick fences are to reflect the detail and style of exiting gates.*
- *Boundary fencing to adjacent residential sites is to be clarified as to retention of neighbours' amenity with any security measures acceptable to neighbours and not overbearing in height, form, or finish.*
- *Any CCTV cameras are to be identified as to location and sight lines with associated maintenance of neighbours' privacy. Additional mounting poles are not supported in the west and south facing grounds.*

The points of clarification and recommendations made by the Heritage Advisor were relayed to the applicant in an additional information request made on 5 November 2021. The applicant was content to accept a 'suitable' condition of consent to address these points of clarification and recommendation. However, the following planning response is provided to most of these points/recommendations, which will not be adopted by conditions of consent:

- The proposal does not involve rendering or painting of the facebrick of both buildings on the site.

- The proposal does not replace the roof tiling of the Convent building nor comprise flashing or roof mounted exhaust vents.
- The proposal does not involve new entry gates. If future gates are desired, these would be subject to separate development consent, if required.
- There are no changes to the eastern boundary fences adjacent to the adjoining residences. If future fencing is desired, this would be subject to separate development, if required.
- The proposal does not include external CCTV or security cameras.

Notwithstanding, a condition of consent is recommended to require further information about interior treatment to joinery, lighting, solar plans and hard landscaping prior to a construction certificate on details of interior treatment.

2.1.3. Waverley DCP 2012 – Amendment No.9

As per clause 35(9) of SEPP (Educational Establishments and Child Care Facilities) 2017, a provision in a development control plan has no effect for the assessment and determination of this DA. Notwithstanding, the relevant matters under the Waverley DCP 2012 are considered as a basis to guide the merit assessment of the proposal, as outlined below:

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Consistency	Comment
1. Waste	Yes	<p>The proposal retains the location of bin storage within the eastern side setback of the Senior Campus building, which holds eight general waste and eight recycling bins and has direct access to Oakley Road for collection.</p> <p>The Waste Management Plan has calculated the additional demand for waste and recycling bins based on the proposed increase to student population and identifies an overall provision of 14 bins for general waste and another 14 bins for recycling. These bins will be stored at the existing bin storage location and are detailed on relevant sheets of the set of architectural plans.</p> <p>The Waste Management Plan also indicates that a private contractor will be engaged for waste and recycling collection, which is anticipated to be three times per week for general waste collection and twice a week for recycling collection. The collection point will remain from Oakley Road.</p> <p>The waste management aspects of the DA are deemed acceptable by Sustainable Waste Officer.</p>
2. Ecologically Sustainable	Yes	Satisfactory.

Development Control	Consistency	Comment
Development		
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to tree removal.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport No prescribed car parking rates for schools. Motorcycle spaces: <ul style="list-style-type: none"> 1 per 3 car parking bays provided = 3 Bicycle spaces: <ul style="list-style-type: none"> 0.3 spaces per additional students and staff = 94 bicycle spaces 	Yes	<p>A detailed discussion on traffic and transport matters is provided below, which incorporates advice from Council's Traffic and Transport Staff, outcomes from the Waverley Traffic Committee (WTC) and advice from the NSW Roads and Maritime Services.</p> <p>The bicycle and motorcycle spaces cannot be strictly applied to this development as per SEPP (Educational Establishments and Child Care Facilities) 2017. However, these rates were applied in the OTMP to encourage a modal shift away from private vehicular trips to and from the site. The amended DA provides for 94 bicycle parking spaces and three motorcycle spaces on the site.</p>
9. Heritage	Yes	Satisfactory. As discussed earlier in this report, the proposal conserves the significance of the heritage status of the site by proposing modest and sympathetic external alterations and additions to the former St Anne's Convent Building on the site. The proposal is therefore consistent with the objectives of the heritage controls in Waverley DCP 2012.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory. The proposal provides better and increased connection of the site to its surrounding public domain by providing additional legible pedestrian access points from Mitchell Street.
14. Excavation	Yes	Satisfactory.
16. Public Domain	Yes	The proposed 'kiss and ride' facility on the western side of Mitchell Street has triggered the need for upgrades to infrastructure and the public domain immediately surrounding the site. Refer to section 3 of this report on referral commentary in relation to public domain matters.
17. Inter War Buildings	Yes	The St Anne's Convent was claimed to be

Development Control	Consistency	Comment
		completed in 1935 and is therefore deemed an 'Inter War' Building. As detailed earlier in this report, the internal and external alterations to this building are considered modest and sympathetic. The proposal substantially conserves and maintains the Inter War external appearance of the Convent building and preserves the character of the streetscape and the contribution that the Convent buildings makes to the streetscape.

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

Traffic and Transport

The proposal provides for the following traffic measures to support the expansion of the educational establishment by a further increase of student capacity by 295 students and staff capacity by 15 staff members, following completion of Stage 2 of the proposal (i.e. the refurbishment works to the existing Senior Campus building’):

- Installation of a pick-up and drop off zones, also known as ‘kiss and ride’, on the western side of Mitchell Street and Blair Street that is designed to enable parents and/or guardians to stand in this zone rather than park on surrounding residential streets during pick up and drop off periods on school days.
- An OTMP that makes an aspirational commitment to lowering overall private car usage for pick up and drop off trips by:
 - a 2% year-on-year growth for the first three years with a target of 1% year-on-year growth for the following five years applied for staff in using public or active transport modes (i.e. walking or cycling); and
 - a 0.5% year-on-year growth for students arriving to school and 0.25% year-year growth for departing school in using public or active transport modes.
- Provision of a satellite staff car park, which involves leasing 10 staff parking spaces in the car park of the Bondi Pacific Development at 180 Campbell Parade, Bondi Beach. This car park is approximately 600 metres walking distance from the subject site. Shuttle bus service will be provided to transport staff between the school and the car park before and after school hours.

Following deferral of the DA, the applicant chose to significantly increase bicycle parking and provide for motorcycle parking spaces on the site that aligned with the minimum respective rates specified by Waverley DCP 2012. This would in part assist to achieve the modal shift commitments made in the OTMP rather than strictly applying DCP provisions in the assessment and determination of this DA.

Council's Traffic Engineer and Manager, Traffic and Transport reviewed the DA in its original and amended forms and made the following comment on the traffic generation aspects of the proposal based on the most recent information provided for the DA:

The applicant's traffic consultant (McLaren) has advised that the additional 295 students will be in Years 8 and 9. A revised traffic generation estimates for the proposal is that the additional students will generate an additional 136 trips in the morning (68 IN/68 OUT) and an additional 100 trips in the afternoon (50 IN/50 OUT).

The impact on intersection operation is not significant.

The proposal will have a significant increase in drop off and pick up activities. There will be about 61 extra student drop offs in the morning (see table below).

	Currently	Extra	Total
<i>Inbound students AM dropped off</i>	94	68	162
<i>Outbound students PM picked up</i>	58	50	108

SIDRA intersection modelling undertaken by McLaren shows that the major intersections near the subject site will be operating at a Level of Service (LoS) B or better except the intersection of Old South Head Road and Curlewis Street. The LoS of the signalised intersection of Old South Head Road and Curlewis Street will worsen from LoS D to LoS E. These impacts on intersection operations are acceptable.

The traffic generation from the proposed development will lead to potential traffic congestion in the surrounding streets if inadequate pick up / drop off facilities are provided.

The travel mode surveys show that 56.7% of the students catch public transport to school in the morning and 63.7% of the students catch public transport from school in the afternoon.

The numbers of students estimated to use public transport are summarised in the table below.

	Currently	Extra	Total
Number of students	450	295	745
Inbound students AM			
Public bus	203	133	335
Train and bus	27	18	45
Train	26	17	42
Total by Public transport	255	167	422
Outbound students PM			
Public bus	238	156	394
Train and bus	25	16	41
Train	24	16	39
Total by Public transport	287	188	475

There will be about additional 167 students in the morning and 188 students in the afternoon that need to be accommodated by public transport. This may require expansion of the existing public services to and from the school, especially the number of buses.

State Transit has advised that current services can cater for the increase in student numbers. The school can apply separately to TfNSW or school buses if it can demonstrate that there are enough students who require such as service. The onus is on the school to provide the evidence.

A plan of management demonstrating how students will be guided by staff while waiting and catching the buses after school is required.

In relation to the pickup/drop off facilities referred to in the commentary above, Reddam House currently has no dedicated drop off and pick up zone on the site nor on surrounding streets. However, there is an 8m long 'P15 minutes, 8:30am-3:30pm, School Days Only' parking zone located in front of the existing school on the east side of Mitchell Street. This parking zone was installed to cater to school shuttle buses.

The 'kiss and ride' zone proposal was subject to a report and recommendation made by Council's Manager, Traffic and Transport to the WTC meeting held on 28 October 2021 (this was known as Item No TC/TEAV.01/22.10). During its meeting, the WTC resolved to endorse such zone on either the western side of Mitchell Street or the northern side of Blair Street with this zone operating between 8 am–9.30 am, and 2.30 pm–4 pm on school days with parking to be unrestricted outside these hours, except for the 'No Parking, Wedding or Funeral Vehicles Expected' zone on the western side of Mitchell Street.

The final approval of the 'kiss and ride' zone and changes to associated traffic/parking signage would be subject to a separate report to the WTC following, should approval be granted, approval of this DA. An advice note is recommended to be included in the development consent (should this DA be approved) to this effect.

In relation to the overall traffic and parking demands generated by the proposal, Council's Traffic Engineer and Manager, Traffic and Transport made the following concluding commentary:

The proposed development will have significant impacts on traffic and parking in the surrounding streets due to the lack of off-street parking and pick up/drop off facilities.

An OTMP is required. The plan must identify mode share targets for the proposed travel strategies that target a reduction in private vehicle trips. Should the increase in vehicle trips be unacceptable then the plan is to include measures to ensure no net increase in vehicle trips. This can be placed as a condition.

A "Green Travel Plan" which aims to take a proactive approach to encouraging greater public transport patronage and green travel modes is required. The applicant is to consider providing bicycle parking greater than the minimum requirements. This is a document which is to be distributed to students, parents/carers, and staff on an annual basis and upon enrolling.

Changes to the parking restrictions in the vicinity of the site will be subject to a separate report to the Traffic Committee should the development be approved.

While the applicant has submitted documents that resemble OTMP and GTP, Council's Traffic Engineer and Manager, Traffic and Transport are not satisfied of the adequacy of these documents. Based on the commentary above, conditions of consent are recommended to aim to ultimately achieve **no net increase in vehicular trips generated by the proposed increase of student and staff population** as follows:

- The submission of an OTMP to identify mode share targets for the proposed travel strategies that target a reduction in private vehicle trips and how these will be achieved and GTP, which aims to take a proactive approach to encouraging greater public transport patronage and green travel modes.
- The increase of student and staff population be staggered based on Stages 1 and 2 of the proposal and contingent on the success of the OTMP and GTP to ensure that there is no net increase of vehicular trips and a genuine shift to alternative and active transport modes between the status quo/existing situation and Stage 1 increase of student and staff population
- The OTMP and GTP be monitored and verified prior to an occupation certificate being issued for Stage 2 of the proposal (i.e. the additional increase of student population beyond Stage 1) to ensure there has been no net increase of vehicular trips and the modal shift targets set out in the OTMP and GTP have been met.

The substance/details and verification of the successfulness of both the OTMP and GTP will be to the satisfaction of Council's Executive Manager, Infrastructure Services, should this DA be approved.

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. The proposal expands on an existing educational establishment to accommodate additional students. This is considered a social benefit to the community in reasonably expanding upon social infrastructure, such as a school, and therefore, the proposal would result in positive social impacts on the locality.

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 21 days between 18 June and 13 July 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and documents, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified as described in section 1.4 of this report. This is due to the amended plans and documents providing additional and greater information that was lacking in the DA when it was originally lodged. The additional information related to technicalities, such as revised clause 4.6 written requests and further information on operational, traffic and parking, fire safety and stormwater matters, and clarification of details, such as colouring in elevation drawings to decipher new works to buildings and correcting gross floor area calculation diagrams.

The amended plans/documents do not result in design changes nor change to the essence or operational matters of the proposal. Having regard to the nature of the amendments to the application, there is no additional net impact on originally affected and notified properties.

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

- 1/66 Blair Street;
- 4/66 Blair Street;
- Unidentified address in Oakley Road; and
- Unidentified address.

Despite two submitters not identifying their full property address, the matters raised in these submissions will still be counted in the assessment of this DA.

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

- Traffic and parking impacts; and
- Public domain improvements, such as a pedestrian crossing.

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

Issue: *The applicant did not engage with surrounding residents prior to the DA being lodged.*

Response: Noted. While it is encouraged, pre-lodgement consultation with surrounding residents is not a prerequisite for a DA being lodged with Council.

Issue: *The DA does not mention the existing cycle path in Blair Street and the proposal will increase congestion on the roads and consequently affect the safety and functionality of the cycle path.*

Response: Noted. The DA does not seek to alter the existing bicycle path. Refer to commentary on traffic and parking matters in the body of the report regarding trip generation and recommendations, by way of conditions of consent, to ensure the proposal does not result in additional vehicular trips arising from increased student and staff numbers.

Issue: *Drop off and pick up activities and students parking on surrounding streets will increase noise and affect amenity of neighbouring residences.*

Response: Noted. Drop off and pick up activities will occur within the core school hours of operation, being 7:30am and 4:30pm on weekdays. Therefore, the associated noise of these activities is unlikely to cause unreasonable impacts on the amenity of neighbouring residences.

Issue: *Time restrictions of on-street car parking spaces on surrounding street should be reviewed.*

Response: Such a review of parking restrictions on surrounding street cannot be conducted during the assessment and determination of this DA and would be subject to a separate process conducted by Council's Infrastructure Services department and the Waverley Traffic Committee.

Issue: *The upstairs playground area facing Oakley Road causes undue noise impacts upon neighbouring residences.*

Response: Noted. This is an existing space as an outdoor terrace that is proposed to be slightly expanded (i.e. a net increase of 8.7m²), however, will remain as a breakout space for students to eat their lunch and for outdoor study. It is not intended to be a playground. A condition of consent is recommended to restrict the use of this space to school hours, which is effectively reaffirming the same restriction set by condition 3 of Development Consent No. LD-642/2000. The proposed expansion of this terrace is not expected to exacerbate any impact the existing terrace has upon neighbouring residences, especially given that the terrace can only operate during school hours.

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. NSW Roads and Maritime Services/Transport for NSW

The DA was referred to NSW Roads and Maritime Services and TfNSW as per clause 57(2) of SEPP (Educational Establishment and Child Care Facilities) 2017 and commentary from these State government agencies has already been provided in section 2.1.1 of this report.

3.2. Traffic and Development

Commentary and recommendations from Council's Traffic and Transport staff have already been outlined in section 2.1.3 of this report.

3.3. Heritage

Commentary and recommendations from Council's Heritage Advisor have already been outlined in section 2.1.2 of this report.

3.4. Stormwater

Council's Stormwater Infrastructure Engineer required further particulars of the stormwater aspects of the DA, which were provided following the deferral of the DA. The Stormwater Infrastructure Engineer did not object to the additional information provided in relation to stormwater, subject to conditions of consent.

3.5. Public Domain

Council's Public Domain Infrastructure Engineer recommended that the public domain in Mitchell Street in the immediate vicinity of the site should be upgraded in accordance with Council's Public Domain Technical Manual, including:

- Pedestrian footpaths;
- Ramps and crossings on the Mitchell Street road reserve;
- Kerb and gutter; and
- Landscaping and street tree plantings.

Conditions of consent have been recommended to this effect.

3.6. Tree Management

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

3.7. Fire Safety

Council's Senior Building Surveyor – Fire Safety reviewed the application together with the BCA Assessment and Fire Safety Upgrade Report that accompanied the application and recommended additional fire safety upgrading works pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

3.8. Environmental Health

A Hazardous Material Assessment was submitted with the DA in relation to satisfying the requirements of SEPP 55 on whether the part of the site can support the change of use from place of worship to educational establishment. Council's Environmental Health Officer advised that the proposal is satisfactory, subject to conditions of consent.

3.9. Waste and Recycling

Council's Sustainable Waste Officer did not object to the waste management aspects of the DA, subject to conditions of consent.

4. CONCLUSION

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

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 17 August 2021 and the DBU determined:

(a) *The application should be deferred and amendments/additional information required covering the following:*

- *Traffic and transport information;*

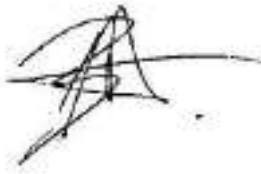

- *Stormwater management.*
- *A request for the preparation and submission of a Plan of Management that captures full operations of the School.*
- *Fire safety and National Construction Code matters.*

Subject to the deferral matters being satisfied, the application should be approved.

DBU members: A Rossi, B McNamara and J Zancanaro/B Magistrale

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 23 November 2021	Date: 26 November 2021

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 Fulton Trotter Architects of Project No: 7099NB01 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
AEX-1002 Rev. E	NBS1 - Existing External Works Plan	17 November 2021	19 November 2021
AEX-1003 Rev. E	NBS2 - Existing External Works Plan	17 November 2021	19 November 2021
AEX-2001 Rev. E	NBS1 - Existing/Demo Ground and First Floor Plan	17 November 2021	19 November 2021
AEX-2002 Rev. E	NBS1 - Existing/Demo Second and Roof Plan	17 November 2021	19 November 2021
AEX-2003 Rev. E	NBS2 - Existing/Demo Ground and First Floor Plan	17 November 2021	19 November 2021
AEX-2004 Rev. E	NBS2 - Existing/Demo Roof Plan	17 November 2021	19 November 2021
DA-1001 Rev. E	Proposed Site Plan	17 November 2021	19 November 2021
DA-1002 Rev. E	NBS1 - Proposed External Works Plan	17 November 2021	19 November 2021
DA-1003 Rev. E	NBS2 - Proposed External Works Plan	17 November 2021	19 November 2021
DA-1005 Rev. E	Site Staging Plan	17 November 2021	19 November 2021
DA-2001 Rev. E	NBS1 – Proposed Ground and First Plan	17 November 2021	19 November 2021
DA-2002 Rev. E	NBS1 – Proposed Second and Roof Plan	17 November 2021	19 November 2021
DA-2003 Rev. E	NBS2 – Proposed Ground and First Floor Plan	17 November 2021	19 November 2021
DA-2004 Rev. E	NBS2 – Proposed Roof Plan	17 November 2021	19 November 2021
DA-3001 Rev. E	Elevations 1	17 November 2021	19 November 2021
DA-3002 Rev. E	NBS1 – Elevations 2	17 November 2021	19 November 2021
DA-3003 Rev. E	NBS2 – Elevations 3	17 November 2021	19 November 2021
DA-3101 Rev. E	NBS1 – Sections 1	17 November 2021	19 November 2021
DA-3102 Rev. E	NBS2 – Sections 2	17 November 2021	19 November 2021
DA-9101 Rev. E	New Materials Palette	17 November 2021	19 November 2021

- (b) Landscape Plan No. LA08 - LA14 (all Revision B) and documentation prepared by Taylor Brammer, dated 22 January and 14 October 2021 and received by Council on 15 October 2021.

- (c) Plan of Management prepared by Reddam College undated and received by Council on 19 November 2021.
- (d) An Operational Transport Management Plan and Green Travel Plan in accordance with condition 11 of this development consent.
- (e) Stormwater Details and documentation in accordance with condition 18 of this development consent.
- (f) BCA Assessment Report prepared by Josh Hagenson of Blackett Maguire + Goldsmith, dated 7 October 2021 with Reference 200483 and received by Council on 15 October 2021.
- (g) Arboricultural Impact Assessment Report prepared by Andrew Morton EARTHSCAPE HORTICULTURAL SERVICES, dated February 2020 and received by Council on 9 June 2021.
- (h) Environmental Noise Assessment (or Acoustic Report) prepared by Day Designs Pty Ltd [Reference No. 6943-1.1R Rev A], dated 14 May 2021 and received by Council on 9 June 2021.
- (i) Operational Waste Management Plan, Report No. S0818, Revision D, prepared by Elephant Foot Recycling Solutions, dated 11 May 2021 and received by Council on 9 June 2021.

Except where amended by the following conditions of consent.

2. STUDENT AND STAFF POPULATION

This development consent defines the approved development in the following stages:

- (a) **Stage 1** identified on Drawing No. DA-1005 (Revision E) and referred to in condition 1(a) of this development consent, which predominantly relates to part of the site known as 60 Blair Street, North Bondi; and
- (b) **Stage 2** identified on Drawing No. DA-1005 (Revision E) and referred to in condition 1(a) of this development consent, which relates to part of the site known as 66-68 Oakley Road, North Bondi.

The student population and associated staff numbers on the site must not respectively exceed **670 students** and **37 staff** until Stage 2 of the approved development is complete and a final occupation certificate for the development issued, after which time student numbers may increase, in accordance with the following table until the maximum threshold of 745 students has been reached.

Aspect	Existing Capacity	Stage 1 Capacity	Stage 2 Capacity
Student population	450	670 (an addition of 220 students)	745 (an addition of 75 students)
Staff population	22	37 (an addition of 15 staff)	37

Notwithstanding the above figures, student numbers are also subject to the satisfactory implementation of the Operational Transport Management Plan (OTMP) and Green Travel Plan (GTP) as required by conditions 11 and 49 of this development consent.

3. ADDITIONAL INFORMATION RELATING TO HERITAGE MATTERS

The application is approved subject to further details and information regarding specific works to the heritage item on part of the site known as 60 or 60C Blair Street, North Bondi (i.e. the former St Anne's Convent building), including:

- (a) The proposed interior treatment to joinery, lighting set into or fixed to walls and ceilings and the fixing of PV panels to tile roofs; and
- (b) The interface of the proposed hard landscaping (i.e. timber decking and the like) with the existing building.

The additional information is to be prepared in consultation with a qualified heritage architect and be approved by the Principal Certifying Authority prior to the issue of the relevant construction certificate for Stage 1 of the approved development.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES & BONDS

5. ADDITIONAL DA ASSESSMENT FEE REQUIRED

An additional development application fee of **\$2,214.40** is to be paid to Council prior to the issue of the relevant Construction Certificate.

The true overall DA assessment fee is \$4,855, which is based on the overall cost of works of \$4,599,100 (GST inclusive) indicated in the Cost Summary Report prepared by Wilde and Woollard, less than the paid development application fee of \$2,640.60 (based on an estimated cost of works of \$1,831,500 GST inclusive written on the Application Form).

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$91,982** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

9. TREE PRESERVATION BOND

A bond of **\$2,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the Coast Banksia tree (known as 'Tree 8' in the Aboricultural Impact Assessment Report referred to in condition 1(g) of this development consent) on the street verge of Blair Street and to the south of the site. The bond is to be lodged prior to the issue of any Construction Certificate.

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

Notwithstanding the above, should the application prefer to have this street tree removed:

- (a) The applicant may remove the Banksia integrifolia (Coast Banksia) at their expense; and
- (b) A replacement tree is to be planted on the naturestrip. The tree is to be a Banksia integrifolia (Coast Banksia) tree and must be a minimum pot size of 75 litres when planted. The tree is to be planted by a horticulturist with a minimum qualification of AQF Level 3.

10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

TRAFFIC MANAGEMENT

11. OPERATIONAL TRANSPORT MANAGEMENT PLAN AND GREEN TRAVEL PLAN

The applicant must prepare and implement an Operational Transport Management Plan (OTMP) and Green Travel Plan (GTP) for Reddam House, which must identify mode share targets for the proposed travel strategies that target a reduction and ensure **no** increase in private vehicular trips to the site.

The OTMP and GTP must be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant construction certificate for Stage 1 of the approved development.

The OTMP and GTP must provide details for each of the travel strategies and must address the following matters for each of the travel strategies:

- (a) objectives and targets;
- (b) timing;
- (c) responsibility;
- (d) funding;
- (e) implementation;

- (f) frequency and management of drop-off/pick-up zones;
- (g) operations of the shuttle bus between Reddam House and the Bondi Pacific Car Park;
- (h) training for supervising staff/traffic controllers;
- (i) monitoring regime to evaluate each strategy; and
- (j) monitoring of whether the overall strategies are meeting the targeted reductions in private vehicular trips.

Management of Reddam House must make the approved OTMP and GTP, and any updated versions of these documents, and the results of the monitoring and independent auditing conducted as part of the OTMP and GTP, publicly available on the School's website and available to the relevant local Precinct Committee.

12. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

FIRE SAFETY

13. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully complying with the BCA, fire safety upgrading works are to be undertaken to the existing buildings in accordance with all recommendations identified in the BCA Assessment Report prepared by Josh Hagenson of Blackett Maguire + Goldsmith, dated 7 October 2021 with Reference 200483 and the following requirements: -
 - i. All services that penetrate through existing building elements required to have a fire resistance level must be sealed in accordance with Clause C3.15 of the BCA.
 - ii. Balustrades to all balconies/terraces, landings and stairs must be upgraded to comply with D2.16 of the BCA.
 - iii. All stair treads and landings must have colour contrasting strips and be slip resistant in accordance with Clauses D2.13 and D2.14 of the BCA.
 - iv. All stairs and landings must be provided with handrails in accordance with Clause D2.17 of the BCA.
 - v. All doors and doorways in a required exit, forming part of a required exit or in the path of travel to a required exit must be upgraded to comply with the relevant requirements of Clauses D2.19, D2.20 and D2.21 of the BCA.
 - vi. Access for People with a Disability must be provided in accordance with Part D3 of the BCA only to the extent necessary in order to comply with the Disability (Access to Premises — Buildings) Standards 2010.
 - vii. Fire hydrants are to be provided to the existing buildings in accordance with Clause E1.3 of the BCA and AS 2419.1-2005.
 - viii. Portable Fire Extinguishers are to be provided to the existing buildings in accordance with Clause E1.6 of the BCA.
 - ix. Emergency lighting and exit signage must be provided throughout the existing buildings in accordance with Part E4 of the BCA.

- (b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

14. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

CONSTRUCTION AND SITE MATTERS

15. HOARDING

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

16. 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.

17. ENGINEERING DETAILS

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

STORMWATER INFRASTRUCTURE AND PUBLIC DOMAIN

18. STORMWATER MANAGEMENT

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

The submitted stormwater management plan prepared by Birzulis Associates, Project No. 8006, Drawing No. C.00 (Issue 5, dated 13/05/2021), C.01 (Issue 5, dated 13/05/2021), C.10 (Issue 5, dated 13/05/2021), C.01 (Issue 6, dated 23/09/2021), C.20 (Issue 7, dated 13/10/2021), C.30 (Issue 5, dated 13/05/2021), C.100 (Issue 8, dated 13/10/2021), C.101 (Issue 7, dated 23/09/2021), C.102 (Issue 8, dated 13/10/2021), C.120 (Issue 6, dated 13/10/2021) & C.130 (Issue 5, dated 13/05/2021), is considered concept only.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual (WCWMTM) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) A geotechnical report prepared by a suitably qualified and practising Geotechnical Engineer shall be submitted to Council for assessment. The hydraulic conductivity must be tested at a minimum of four locations at the site of the proposed infiltration system, and at the base level of the proposed system (and at a minimum of one metre deep). The infiltration system is to be designed using the infiltration rate of the soil of the site and in accordance with the WCWMTM. The geotechnical report is to also determine the depth to rock and the presence and depth of the water table. Cross and long-sections of the proposed infiltration system at a suitable scale shall also be provided.
- (b) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- (c) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- (d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (f) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap inTM for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

19. PUBLIC INFRASTRUCTURE WORKS

All Public infrastructure works traversing the development frontage must be completed to Council's satisfaction at no cost to Council.

Full engineering design drawings are to be prepared by a suitably qualified engineering professional, submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- Kerb Ramps:** The existing Kerb ramps at both sides of the road along the intersections of Oakley Road and Mitchell St, Mitchell St and Blair Street are to be reconstructed and upgraded to comply with DDA requirements. Details of the Kerb Ramps treatments to be advised by Council at the time of Engineering plan approval.
- Pedestrian Crossings:** The existing pedestrian crossing fronting the development on the corner of Mitchell St & Oakley Rd is to be upgraded to a raised pedestrian crossing incorporating a compliant lighting. Details of the raised pedestrian crossing to be advised by Council. Plans must be reviewed by Waverley Traffic committee and approved by Council prior to any construction.
- Street Trees:** A minimum of four (4) trees of 400L, must be planted along Mitchell Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits and surrounds as per the Waverley Council Public Domain Technical Manual.
- All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

WASTE

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) - Part 2 is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials

to be reused and/or recycled as a result of demolition and construction works. At least one copy of the SWRMP Part 2 is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

NOISE

21. NOISE MANAGEMENT PLAN - DEMOLITION AND CONSTRUCTION

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition and construction works.

For further information on the requirements, refer to Council's website:

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

22. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by Day Designs Pty Ltd [Reference No. 6943-1.1R Rev A] dated 14 May 2021 identified in condition 1(h) of this development consent shall be implemented and demonstrated in the construction certificate documentation to the satisfaction of the Principal Certifying Authority.

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

23. CONSTRUCTION SIGNS

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

24. 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.

25. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Extents of the Conservation Area within the rear boundary including the Coastal Walk traversing the development site
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

26. USE OF FILL ON SITE

All fill imported on to the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act, 1997 and

Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environment Operations (Waste) Regulations 2014* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

DEMOLITION & EXCAVATION

27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

CONSTRUCTION MATTERS

30. 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*.

31. 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.

32. FIRE SAFETY UPGRADE REPORT

Fire safety upgrading works are to be undertaken in accordance with Fire Safety Upgrade Report identified in condition 1(f) and terms outlined in condition 13 of this development consent.

33. CONSTRUCTION INSPECTIONS

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

34. CERTIFICATE OF SURVEY - LEVELS

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

35. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

TREE PROTECTION AND REMOVAL

36. TREE PROTECTION

All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

37. TREES PERMITTED TO BE REMOVED AND PROTECTED

The following trees are permitted to be removed and protected with tree number references being the same as those in the Arboricultural Impact Assessment Report identified in condition 1(g) of this development consent:

Tree No.	Species	Location	Action
T1	Celtis sinensis (Hackberry) Weed species	On-site	Remove tree. (weed species)
T2	Celtis sinensis (Hackberry) Weed species	On-site	Remove tree. (weed species)
T3	Acmena smithii (Lillypilly)	Street tree	Remove tree. (weed species)
T4	Grevillea sp. (Grevillea)	Street tree	Retain in accordance with recommended Tree Protection Measures (Section 10).
T5	Banksia integrifolia (Coast Banksia)	Street tree	Retain in accordance with recommended Tree Protection Measures (Section 10). Install temporary Tree Protection Fencing in accordance with Section 10.5. Undertake all excavations for bike rack footings within TPZ in accordance with Section 10.9. Install pathway within TPZ in accordance with Section 10.12. Eliminate proposed Astro-turf and substitute with natural turf or woodchip mulch to avoid adverse impact.
T6	Banksia integrifolia (Coast Banksia)	On-site	Retain in accordance with recommended Tree Protection Measures (Section 10). Install temporary Tree Protection Fencing in accordance with Section 10.5. Undertake all excavations for bike rack footings within TPZ in accordance with Section 10.9. Install pathway within TPZ in accordance with Section 10.12. Eliminate proposed Astro-turf and substitute with natural turf or woodchip mulch to avoid adverse impact. Eliminate proposed Astro-turf and substitute with natural turf or woodchip mulch to avoid adverse impact. Undertake all excavations for the mechanical plant enclosure and associated retaining walls within the TPZ in accordance with Section 10.9.
T7	Olea europaea subsp. africana (African Olive) weed species	On-site	Remove tree. (weed species)
T8*	Banksia integrifolia (Coast Banksia)*	Street tree	Retain in accordance with recommended Tree Protection Measures (Section 10). Install temporary Trunk Protection Boarding in accordance with Section 10.6.
T9	Araucaria	On-site	Retain in accordance with recommended Tree

Tree No.	Species	Location	Action
	heterophylla (Norfolk Island Pine)		Protection Measures (Section 10). Install temporary Tree Protection Fencing in accordance with Section 10.5. Undertake all excavations for play structure and seat post/pad footings within TPZ in accordance with Section 10.9.
T10	Araucaria heterophylla (Norfolk Island Pine)	On-site	Retain in accordance with recommended Tree Protection Measures (Section 10). Install temporary Tree Protection Fencing in accordance with Section 10.5. Demolish existing stairs and path within TPZ in accordance with Section 10.8. Undertake all excavations for play structure and seat post/pad footings within TPZ in accordance with Section 10.9. Supply and install fill for lawn/garden terrace in accordance with Section 10.13.
T11	Araucaria heterophylla (Norfolk Island Pine)	On-site	Retain in accordance with recommended Tree Protection Measures (Section 10). Install temporary Tree Protection Fencing in accordance with Section 10.5. Demolish existing stairs and path within TPZ in accordance with Section 10.8. Undertake all excavations for play structure and seat post/pad footings within TPZ in accordance with Section 10.9. Supply and install fill for lawn/garden terrace in accordance with Section 10.14.
T12	Melia azedarach (White Cedar)	On-site	Undertake replacement planting with a new tree elsewhere within the site to compensate for loss of amenity in accordance with Section 11.
T13	Corymbia maculata (Spotted Gum)	Adjoining property	Retain in accordance with recommended Tree Protection Measures (Section 10). Install temporary Tree Protection Fencing in accordance with Section 10.5. Supply and install fill for lawn/garden terrace within TPZ in accordance with Section 10.14.
T14	Melia azedarach (White Cedar)	On-site	Remove tree.
T15	Olea europaea subsp. africana (African Olive) weed species	On-site	Remove tree. (weed species)

* This tree may be removed at the expense of the applicant and suitably replaced by Banksia integrifolia (Coast Banksia) tree and must be a minimum pot size of 75 litres when planted. The tree is to be planted by a horticulturist (Min qualification AQF Level 3).

38. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval and as otherwise permitted to do so by this development consent. Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;

- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

PUBLIC DOMAIN WORKS

39. PUBLIC DOMAIN UPGRADES

The public domain is to be upgraded along the street frontage for the site at the owner's expense in accordance with condition 19 of this development consent.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

40. 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.

41. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

42. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

43. FINAL FIRE SAFETY CERTIFICATE

Fire safety upgrading works are to be undertaken in accordance with the BCA Fire Safety Assessment Australia Report, referred to in condition 1(f) of this development consent and condition 13 of this development consent.

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

44. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

45. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the infiltration facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

46. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR INFILTRATION SYSTEM

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for the infiltration system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Council’s Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

47. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to the satisfaction of Council’s Executive Manager, Infrastructure Services (or delegate).

VEHICLE ACCESS AND PARKING

48. IMPLEMENTATION OF OPERATIONAL TRANSPORT MANAGEMENT PLAN (OTMP) AND GREEN TRAVEL PLAN (GTP)

Prior to:

- (a) the commencement of operations of Stage 2 of the proposal and the associated increase in student numbers specified by condition 2 of this development consent; and

(b) the issue of the final occupation certificate for the development;
the applicant must provide verification and certification that all the required measures of the approved OTMP and GTP have been correctly implemented and targets achieved to the satisfaction of Council's Executive Manager, Infrastructure Services.

49. TRAFFIC CONTROL OFFICER

Prior to the commencement of Stage 1 of the approved development, the applicant must employ a qualified Traffic Control Officer to manage the Reddam House's traffic and car parking impacts, in accordance with the approved OTMP. The traffic control officer must be present on-site during student drop-off and pick-up hours and will be responsible for:

- (a) monitoring and supervising traffic and parking arrangements;
- (b) coordinating the implementation of the OTMP, and any relevant construction traffic and pedestrian management plan in place; and
- (c) liaising with Council inspectors and surrounding residents on traffic and parking impacts.

50. CAR PARKING

A total of **10 car vehicle parking** spaces are to be provided for staff off site.

51. MOTORCYCLE PARKING

A total of **3 motorcycle parking spaces** are to be provided on site.

52. BICYCLE PARKING

A minimum of **94 bicycle parking spaces** are to be provided on the site.

E. OPERATIONAL MATTERS

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

PLAN OF MANAGEMENT

53. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)

- (a) The operation and management of the educational establishment of the site (i.e. Reddam House) shall be in accordance with the Plan of Management (PoM) identified condition 1 of this development consent. This PoM supersedes previous operative PoMs.
- (b) The PoM, including the Operational Transport Management Plan, shall be published and remain publicly available on the website for Reddam House.
- (c) The PoM shall be reviewed at a minimum of every two years to determine whether any change to it should be made to address any incident or complaint and/or improve the operations of Reddam House. A copy of the reviewed PoM shall be submitted to Council (who have the ability to seek amendments, where required). Details of the PoM review must be recorded and be signed and dated by an authorised representative of Reddam House.

- (d) Notwithstanding (c) above, any change to the operational aspects, including the nature, frequency, capacity and/or hours of operation, of any activity occurring on the school grounds that are explicitly identified and described in the PoM shall be subject to prior approval of Council.

54. COMMUNITY LIASON COMMITTEE

A senior management nominee of Reddam House is to attend Precinct Committee meetings when invited by the convenor of the relevant Precinct Committee. Notice of any meeting shall be provided to the Principal of Reddam House no later than 7 days prior to the committee meeting.

The Reddam House representative should make themselves known at the committee meeting and their attendance should be recorded in the minutes of the meeting.

CAPACITY AND HOURS OF OPERATION

55. STUDENT AND STAFF POPULATION

The overall student and staff population of the educational establishment on the site shall be in accordance with and not exceed relevant limits outlined in condition 2 of this development consent, subject to satisfaction of condition 49 of this development consent.

56. HOURS OF OPERATION

- (a) The hour of operations of the educational establishment shall accord with the 'hours of operation for the school buildings' stated in section 2 of the approved Plan of Management that is identified in condition 1 of this development consent. These hours are only approved for weekdays (i.e. Monday to Friday).
- (b) Notwithstanding (a), before and after school activities that are outlined in Section 3 of the approved Plan of Management and any other use that has received prior endorsement by Council shall operate outside of 'core' hours of operation, subject to these uses not commencing prior to 7:00am, and ceasing at 10pm, Monday to Friday.
- (c) The outdoor terrace on the first floor level of the Senior or Main Campus Building shall only operate between 7:30am and 4:30pm, Monday to Friday.

AMENITY AND NOISE

57. AMENITY

The owners/management of the premises is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the operations of the premises are conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.

Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

58. NOISE - MECHANICAL PLANT

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

- (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

59. NOISE EMISSIONS

- (a) The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

60. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

GENERAL MATTERS

61. WASTE MANAGEMENT PLAN REVIEW

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

62. ADJUSTMENTS TO STREET SIGNS

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.

F. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to 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. WAVERLEY TRAFFIC COMMITTEE

The final approval of the ‘kiss and ride’ zone(s) and associated changes to on-street car parking restrictions will be subject to a separate report to the Waverley Traffic Committee.

AD3. 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.

AD4. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD5. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD6. 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.

AD7. BONDI - ROSE BAY SAND BODY

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

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

AD8. TREE REMOVAL/PRESERVATION

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

AD9. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD10. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

AD11.PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, TfNSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission.

AD12.NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

AD13.PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

AD14.PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Public Domain Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, undergrounding, street trees and landscape hold points.

AD15.SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

AD16.WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

AD17.CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

The issue of a final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

AD18.WORK OUTSIDE PROPERTY BOUNDARY

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

AMENDED

RECEIVED
Waverley Council

Application No: DA-213/2021

Date Received: 19/11/2021



Reddam House is committed to excellence as we believe that we have a responsibility to develop young people who are proud of their education, their culture, and their country.

We look upon the ripple of excellence in education as our investment in the future as we believe that education is the catalyst for personal growth, development and achievement.

PLAN OF MANAGEMENT

PREPARED FOR REDDAM HOUSE SENIOR CAMPUS
ON BEHALF OF INSPIRED AUSTRALIA HOLDINGS PTY LTD

PROPERTY: 56 MITCHELL STREET, NORTH BONDI
60 BLAIR STREET, NORTH BONDI

CONTENTS

- 1. INTRODUCTION**
- 2. OPERATIONAL DETAILS**
- 3. BEFORE AND AFTER SCHOOL ACTIVITIES**
- 4. STUDENT AND STAFFING NUMBERS**
- 5. SECURITY MEASURES**
- 6. TRAFFIC MANAGEMENT MEASURES**
- 7. FIRE AND SAFETY MEASURES**
- 8. WASTE MANAGEMENT**
- 9. AMENITY OF NEIGHBOURHOOD**

1. INTRODUCTION

The purpose of this Plan of Management (**'the Plan'**) is to establish performance criteria for Reddam House Senior school, occupying 56 Mitchell Street, North Bondi, and 60 Bair street, North Bondi (**'the Premises'**) to ensure the school:

- a) Operates in a manner consistent with good management;
- b) Operates in a manner that will ensure the experience of the students, teachers and other staff at the school to be positive;
- c) Takes a proactive role in being a responsible neighbour within the North Bondi residential area; and
- d) Operates in a manner so as not to disturb the amenity of surrounding residents.

All existing staff shall be made familiar with this Plan within a reasonable time once the Development Consent has been granted by Council. All new staff shall be made familiar with this Plan immediately upon commencement of employment.

A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon the request of Police or Council Officers

Reference in this Plan to the Duty Manager is a reference to the most senior management person on duty unless the role of Duty Manager has been delegated to another employee.

An obligation or responsibility under this Plan, assigned to a Duty Manager may be undertaken by another member of staff, as a delegated relevant manager.

2. OPERATIONAL DETAILS

The hours of operation for the school buildings are 7:30am to 4:30pm, Monday to Friday.

3. BEFORE AND AFTER SCHOOL ACTIVITIES

As part of the school curriculum, a number of activities are offered before and after school, Monday – Friday only. All activities are supervised by staff and at no stage are the students left alone. The following timetable identifies the activities:

Before and After School Music Classes

On Wednesday mornings at 7:45am, the Bondi Singers convene at the school for practice. On other days there is some private tuition before school and after school starting at 7.30am and ending at 6.00pm. These are held in the music studios which have sound proofed walls and occur at all times under supervision of the tutor.

Before and After School Sport:

Basketball is a sport which is offered by the school and training takes place on the basketball courts between 7.00 - 8.30am most mornings and in the afternoon from 3.30pm until 5.00pm. At all times a coach is to accompany the students and only those students which are training will be permitted into the courts.

Other Academies:

A number of other activities, such as debating, drama, theatre do occur from time to time. These activities are scheduled after hours from 3:30 - 5:30pm and are held in the appropriate teaching spaces accompanied at all times with a teacher.

4. STAFFING AND STUDENT DETAILS

The maximum number of students during the above hours of operation at any given time within the school campus will be:

745 students (comprising of 26 classrooms (on-site) plus 3 off site classrooms x avg of 25 students)

The maximum number of staff during the above hours of operation at any given time within the school buildings and office areas will be:

- 37 staff

5. SECURITY MEASURES:

The Premises are currently armed with a back to base alarm which is monitored 24hours, 7 days per week. There are cameras fitted within the building in accordance with the NESA regulations.

6. TRAFFIC MANAGEMET MEASURES:

A separate detailed Operational Transport and Access Management plan has been prepared. Please refer to this document for further information in relation to traffic management.

7. FIRE AND SAFTEY MEASURES:

Students are supervised at all times whilst on the school grounds. Staff shall ensure that all essential services are installed and are certified annually to ensure that they remain in good working order. Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.

In the event of any malfunctioning of any essential service, staff shall ensure that it is rectified as quickly as is reasonably possible.

All staff and students shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises.

8. WASTE MANAGEMENT

The school has an existing waste management contract with an external service provider. The waste is collected 3 times per week. The current collection procedures have been reviewed and have been deemed to be adequate and no additional requirements will result as part of this DA.

The school buildings will be continue to be cleaned on a nightly basis outside of the school hours.

9. AMENITY OF NEIGHBOURHOOD

The school staff shall consider the amenity of the neighbours and shall take all reasonable measures to ensure the conduct of the school does not impact adversely on the surrounding area.

In this regard, school staff will take all reasonable measures to ensure that the behaviours of students and staff when entering and leaving the school does not detrimentally affect the amenity of the neighbourhood.

To ensure adequate noise levels from the external space, limited seating will be made available so as to ensure not all students will be in the outside spaces at the same time during lunch and recess. Teachers will be on duty in these areas and will manage noise levels by reminding students of the neighbours.

Staff shall strictly follow the approved plan of management to ensure that the use of the school does not cause any interference to residential amenity.

The school shall conduct in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smells, fumes, vapour, steam, soot, ash, dust, waste products, grit, oil or otherwise.

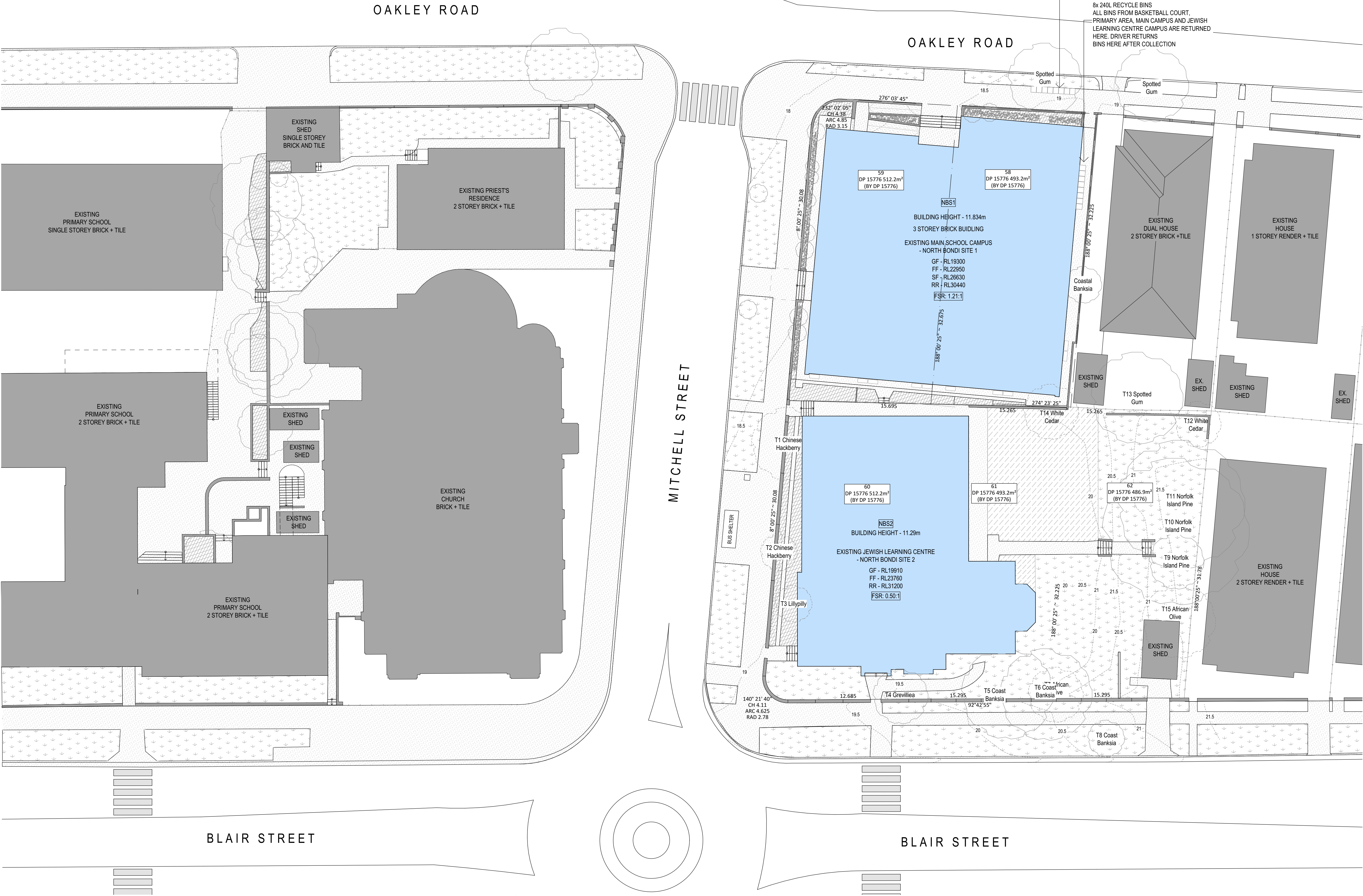
Reddam House School - DA Senior School Refurb & Extension - 7099NB01 for Inspired Australia Pty Ltd

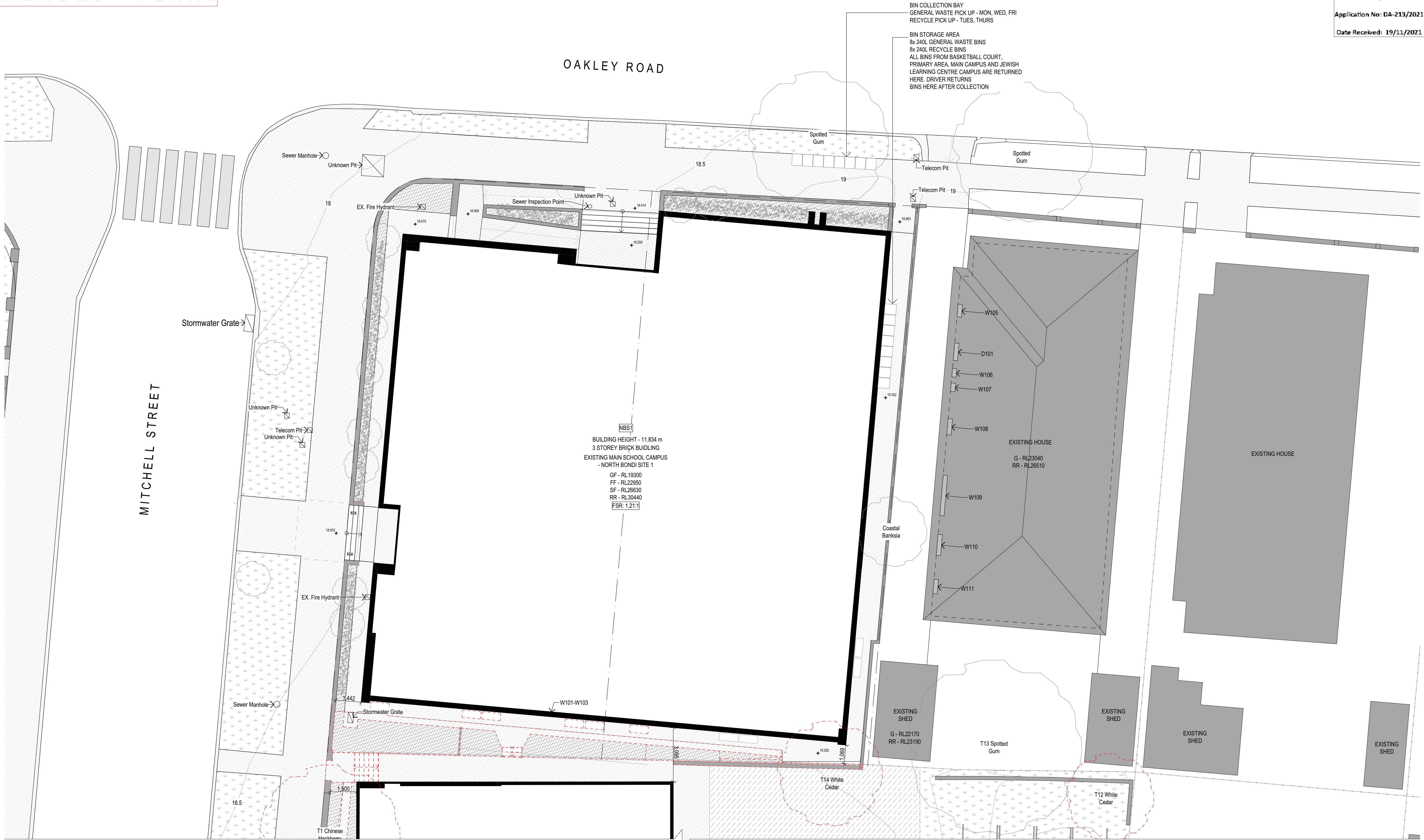
RECEIVED
Waverley Council
Application No: DA-213/2021
Date Received: 19/11/2021



AEX-1001	EXISTING SITE PLAN
AEX-1002	NBS1 - EXISTING EXTERNAL WORKS PLAN
AEX-1003	NBS2 - EXISTING EXTERNAL WORKS PLAN
AEX-2001	NBS1 - EXISTING/DEMO GROUND & FIRST FLOOR PLAN
AEX-2002	NBS1 - EXISTING/DEMO SECOND & ROOF PLAN
AEX-2003	NBS2 - EXISTING/DEMO GROUND & FIRST FLOOR PLAN
AEX-2004	NBS2 - EXISTING/DEMO ROOF PLAN
AEX-2005	NBS1 - EXISTING/DEMO GROUND & FIRST FLOOR PLAN GFA
AEX-2006	NBS1 - EXISTING/DEMO SECOND & ROOF PLAN GFA
AEX-2007	NBS2 - EXISTING/DEMO GROUND & FIRST FLOOR PLAN - GFA
DA0000	TITLE PAGE
DA-1001	PROPOSED SITE PLAN
DA-1002	NBS1 - PROPOSED EXTERNAL WORKS PLAN
DA-1003	NBS2 - PROPOSED EXTERNAL WORKS PLAN
DA-1004	SITE ANALYSIS PLAN
DA-1005	SITE STAGING PLAN
DA-1006	SHADOW DIAGRAMS 1
DA-1007	SHADOW DIAGRAMS 2
DA-1008	SHADOW DIAGRAMS 3
DA-2001	NBS1 - PROPOSED GROUND & FIRST PLAN
DA-2002	NBS1 - PROPOSED SECOND AND ROOF PLAN
DA-2003	NBS2 - PROPOSED GROUND & FIRST FLOOR PLAN
DA-2004	NBS2 - PROPOSED ROOF PLAN
DA-2005	NBS1 - PROPOSED GROUND & FIRST PLAN GFA
DA-2006	NBS1 - PROPOSED SECOND AND ROOF PLAN GFA
DA-2007	NBS2 - PROPOSED GROUND & FIRST FLOOR PLAN GFA
DA-3001	ELEVATIONS 1
DA-3002	NBS1 - ELEVATIONS 2
DA-3003	NBS2 - ELEVATIONS 3
DA-3101	NBS1 - SECTIONS 1
DA-3102	NBS2 - SECTIONS 2
DA-9101	NEW MATERIALS PALETTE
DA-9102	NBS1 - PERSPECTIVES
DA-9103	NBS2 - PERSPECTIVES







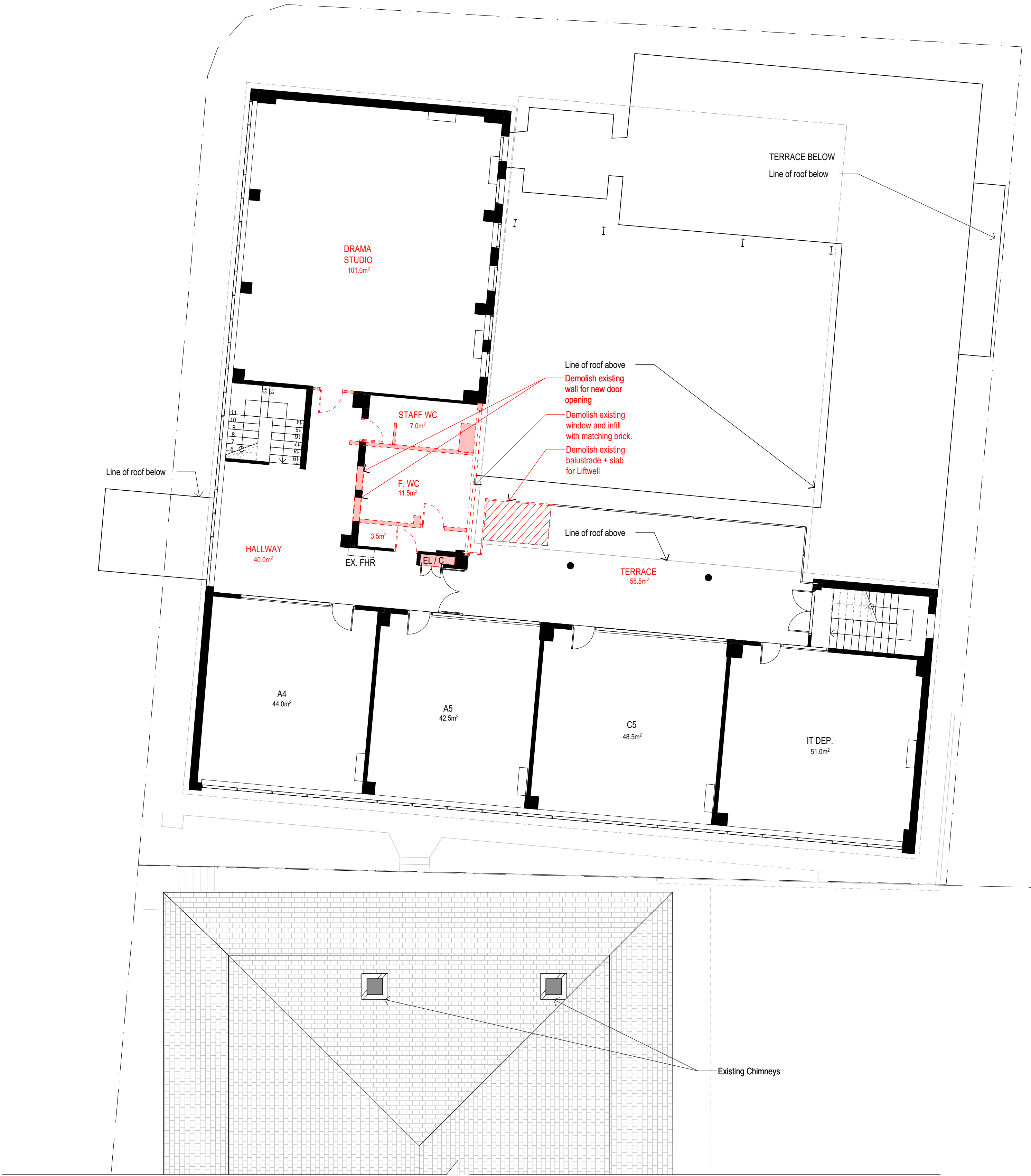
DRAWING CONTINUES ON AEX-1003



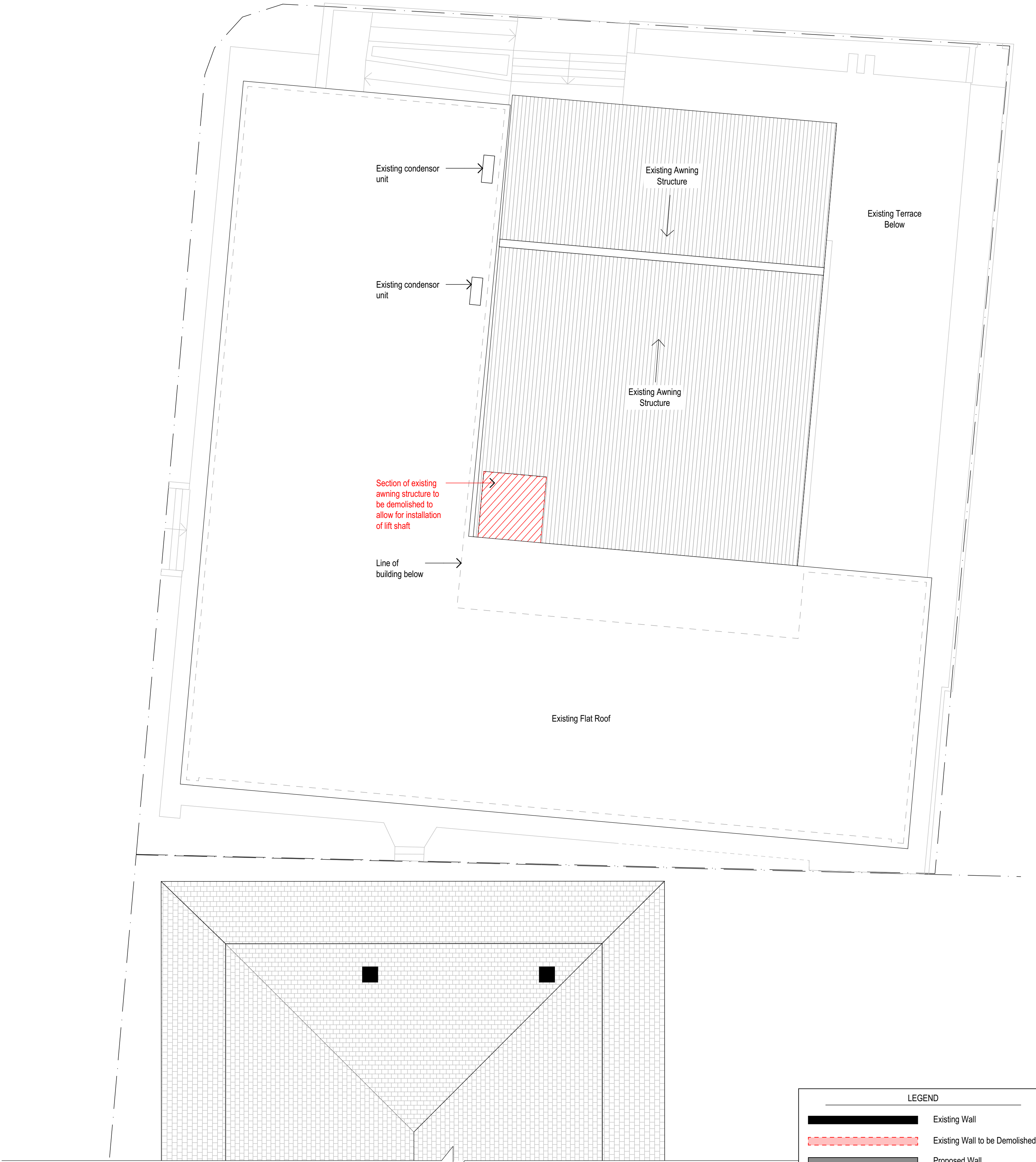
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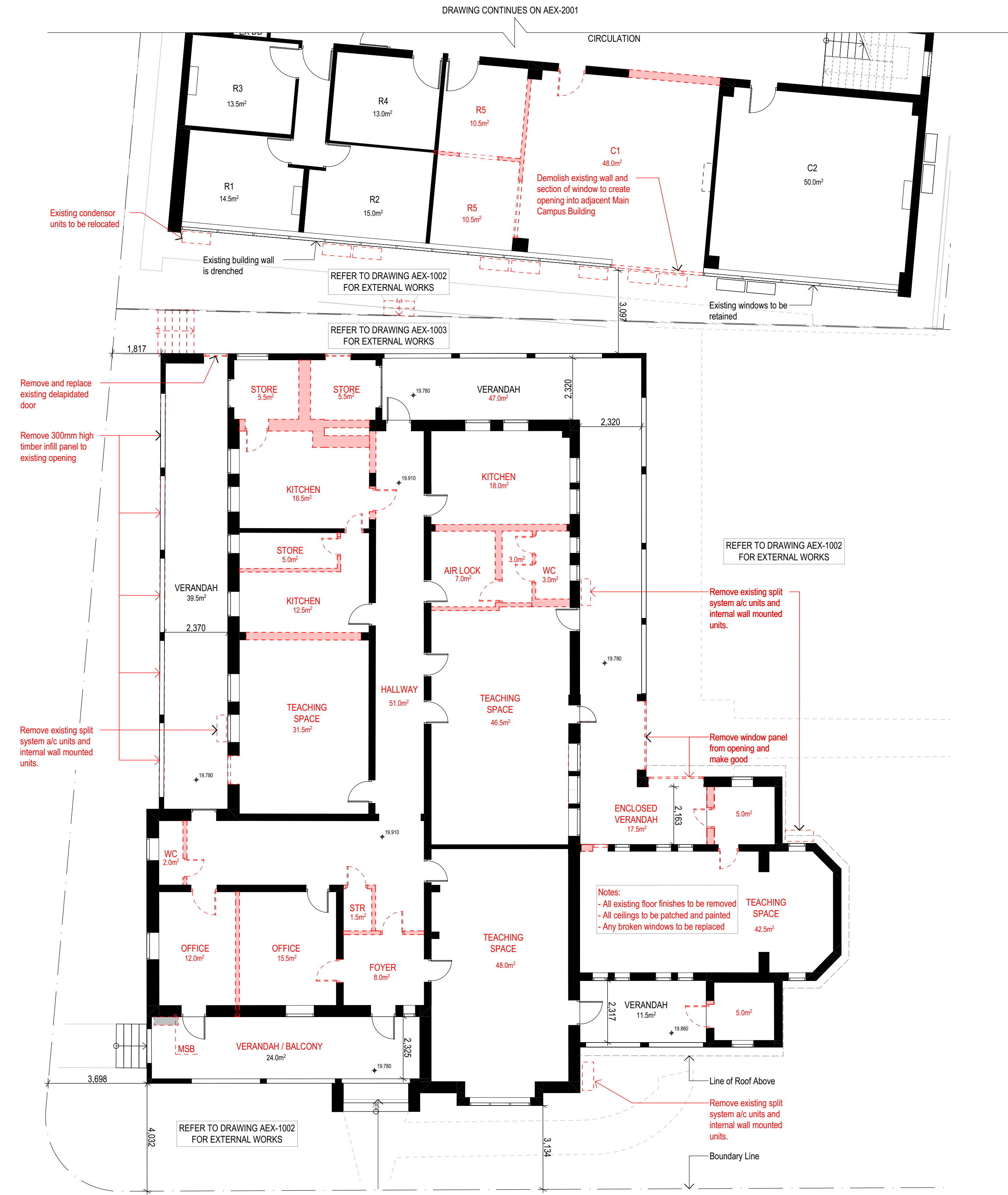
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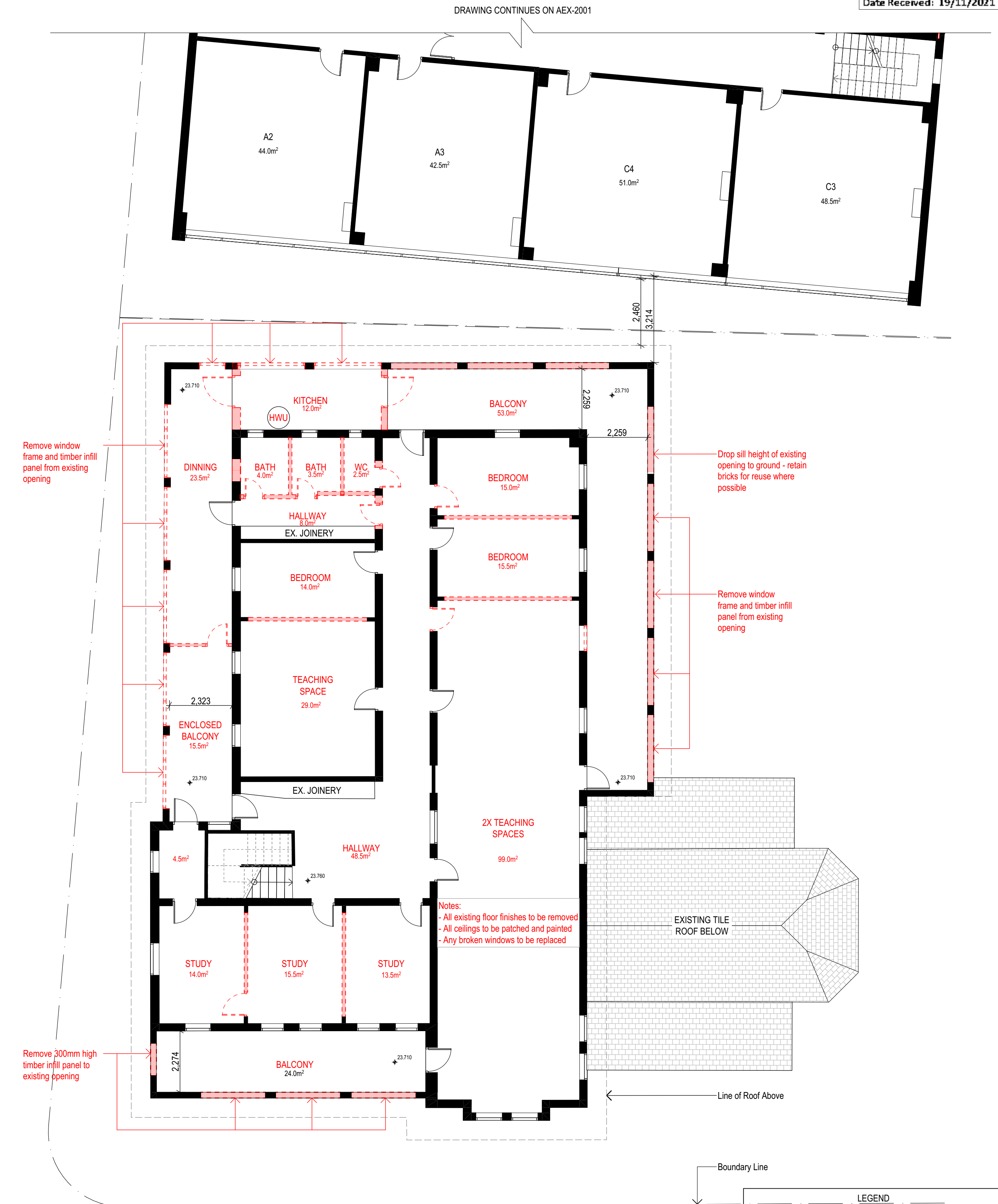
ROOF PLAN - NBS1
SCALE: 1:100

LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA





GROUND FLOOR PLAN
SCALE: 1:100



FIRST FLOOR PLAN
SCALE: 1:100

LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA

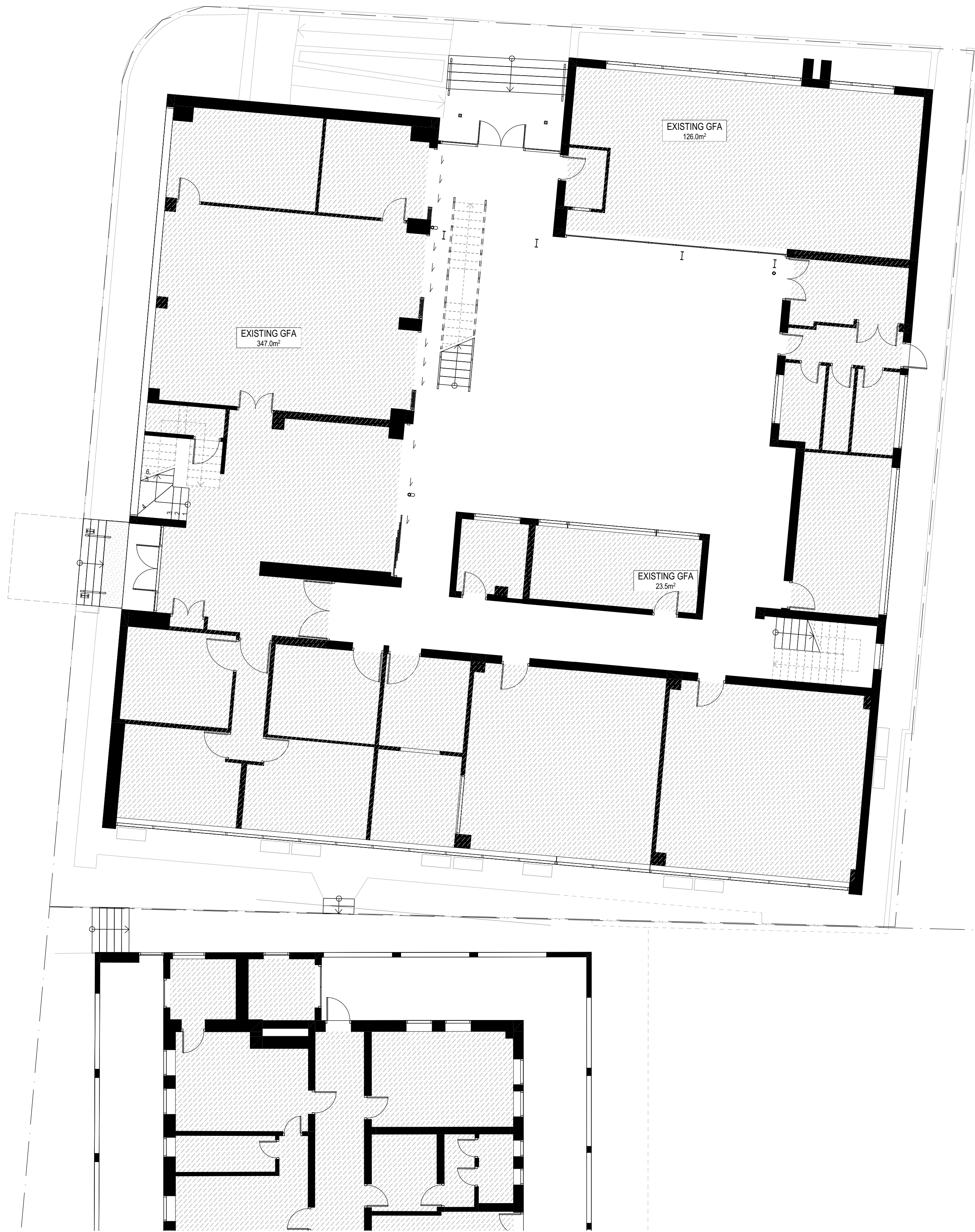




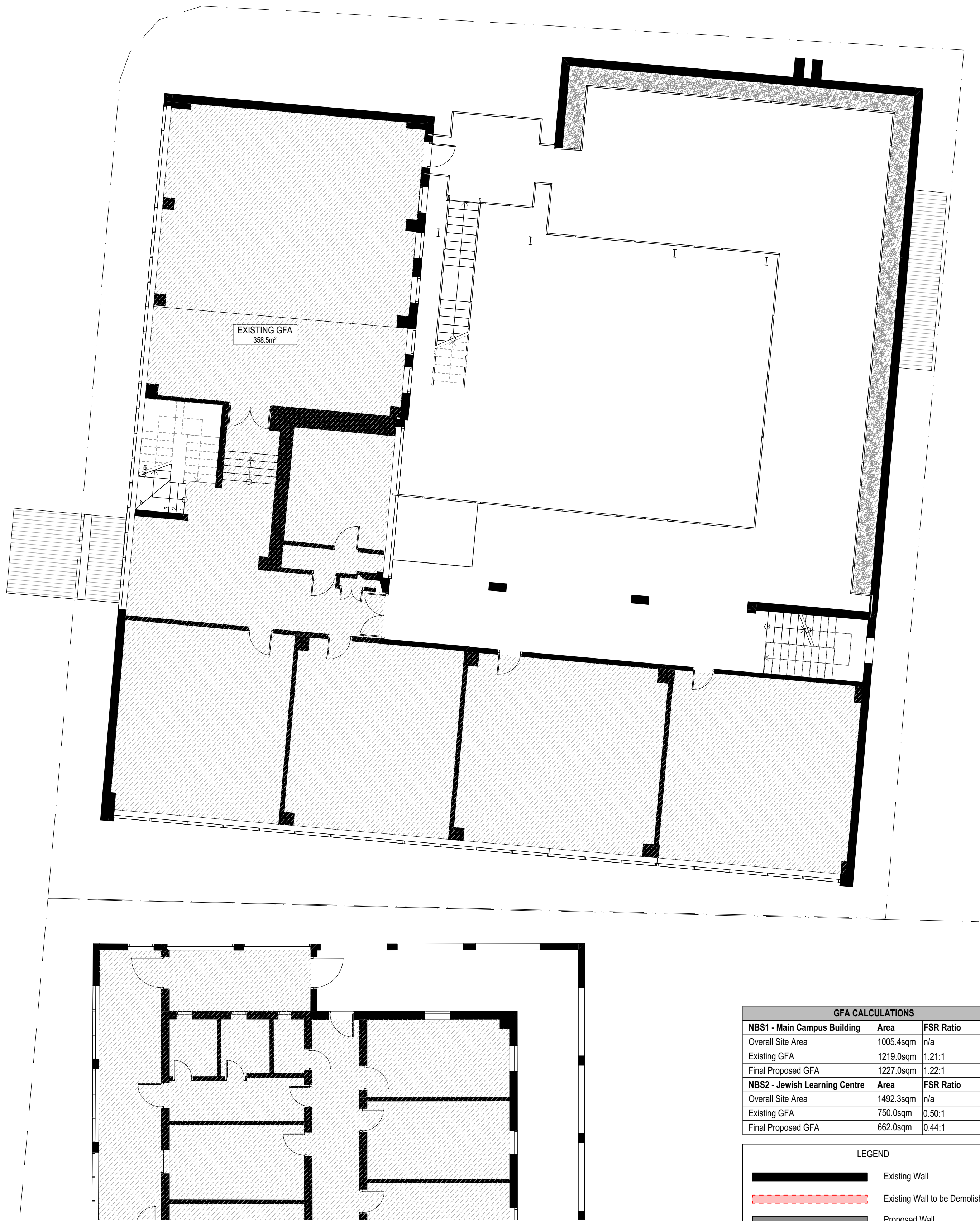
ROOF PLAN - NBs2
SCALE: 1:100

LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA





EXISTING GROUND FLOOR PLAN - GFA
SCALE: 1:100



EXISTING FIRST FLOOR PLAN - GFA
SCALE: 1:100

GFA CALCULATIONS		
NBS1 - Main Campus Building	Area	FSR Ratio
Overall Site Area	1005.4sqm	n/a
Existing GFA	1219.0sqm	1.21:1
Final Proposed GFA	1227.0sqm	1.22:1
NBS2 - Jewish Learning Centre	Area	FSR Ratio
Overall Site Area	1492.3sqm	n/a
Existing GFA	750.0sqm	0.50:1
Final Proposed GFA	662.0sqm	0.44:1

LEGEND

Existing Wall

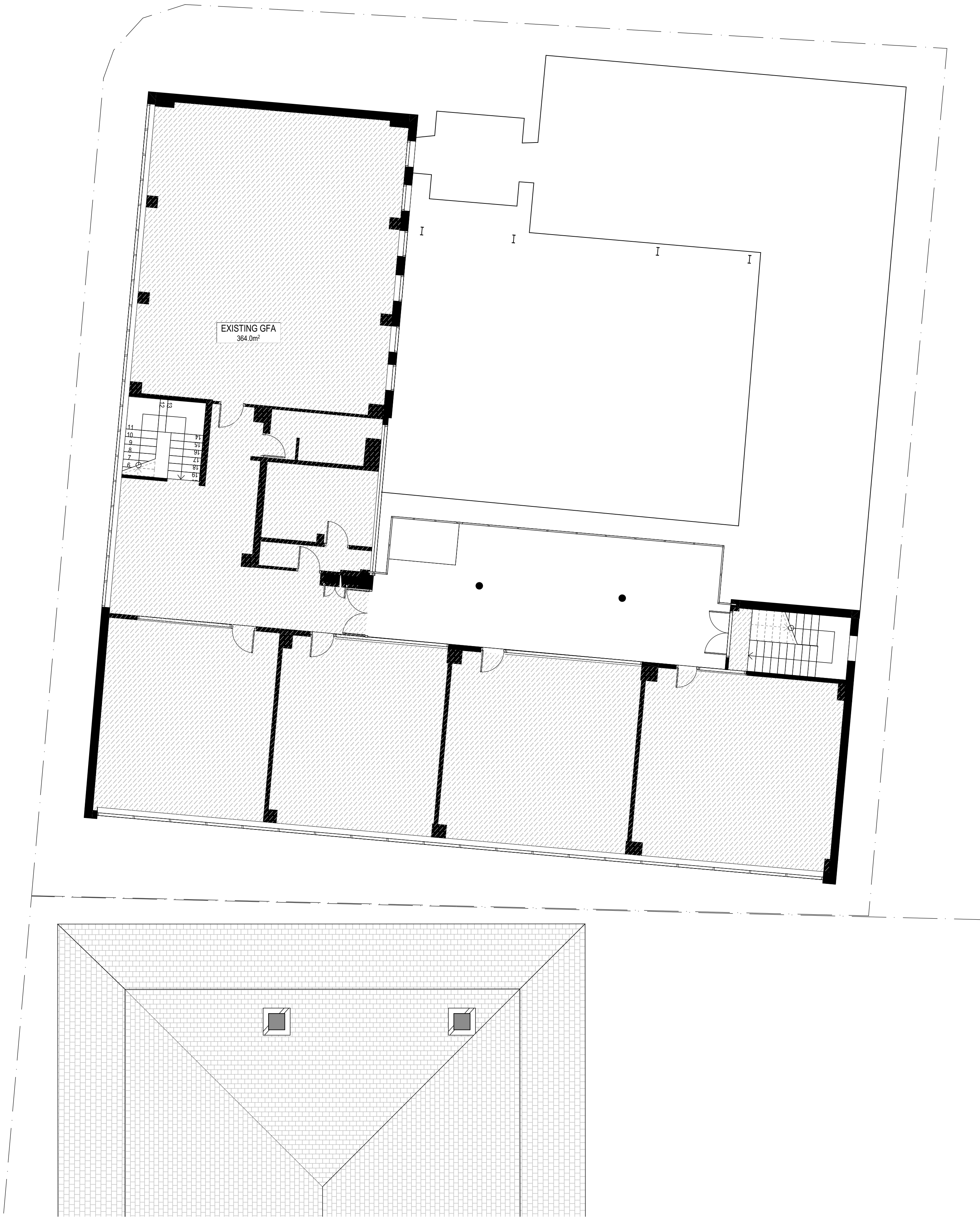
Existing Wall to be Demolished

Proposed Wall

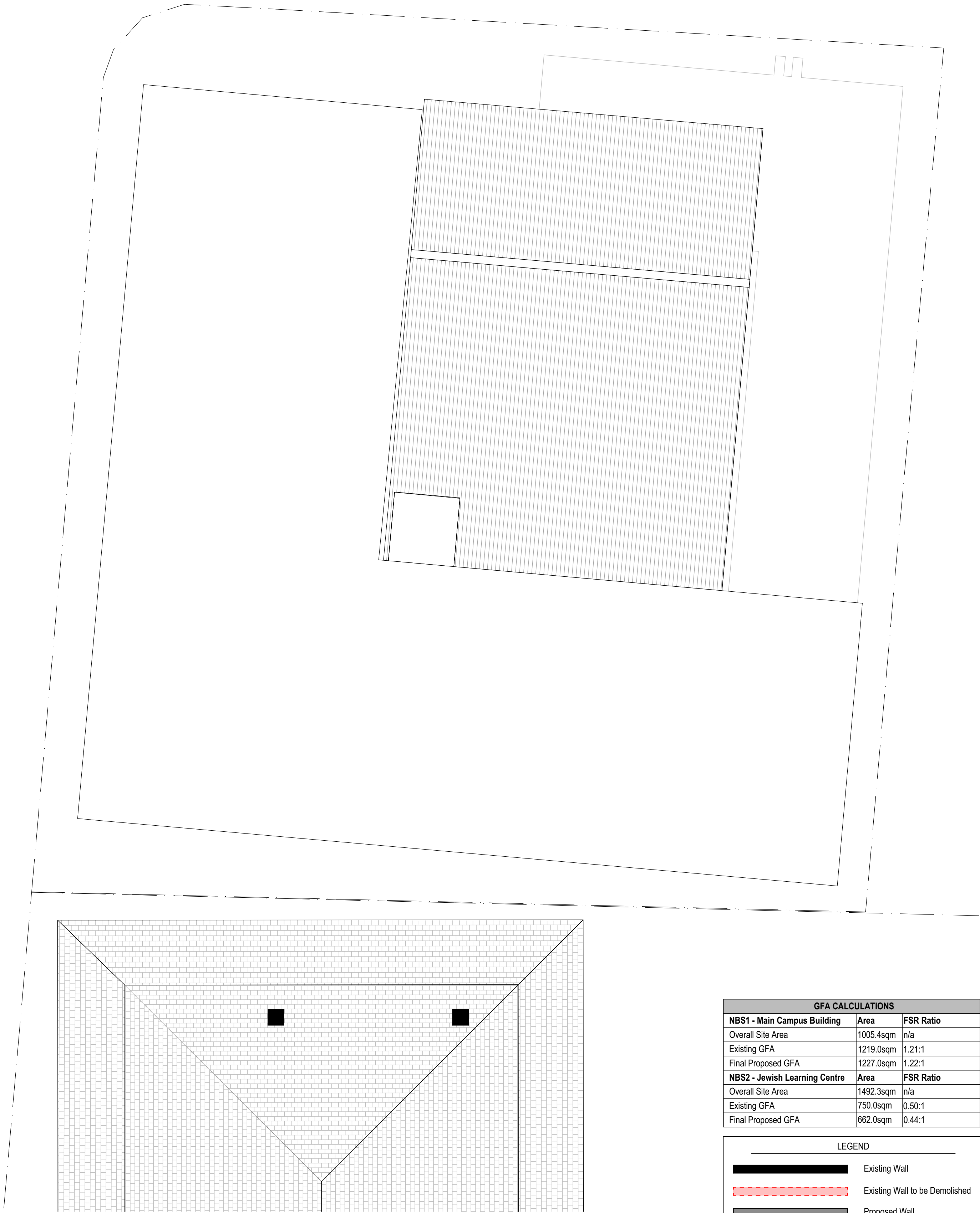
Proposed Glass and Steel Wall

Existing GFA

Proposed GFA



EXISTING SECOND FLOOR PLAN - GFA
SCALE: 1:100



ROOF - GFA
SCALE: 1:100

GFA CALCULATIONS		
NBS1 - Main Campus Building	Area	FSR Ratio
Overall Site Area	1005.4sqm	n/a
Existing GFA	1219.0sqm	1.21:1
Final Proposed GFA	1227.0sqm	1.22:1
NBS2 - Jewish Learning Centre	Area	FSR Ratio
Overall Site Area	1492.3sqm	n/a
Existing GFA	750.0sqm	0.50:1
Final Proposed GFA	862.0sqm	0.44:1

LEGEND

Existing Wall

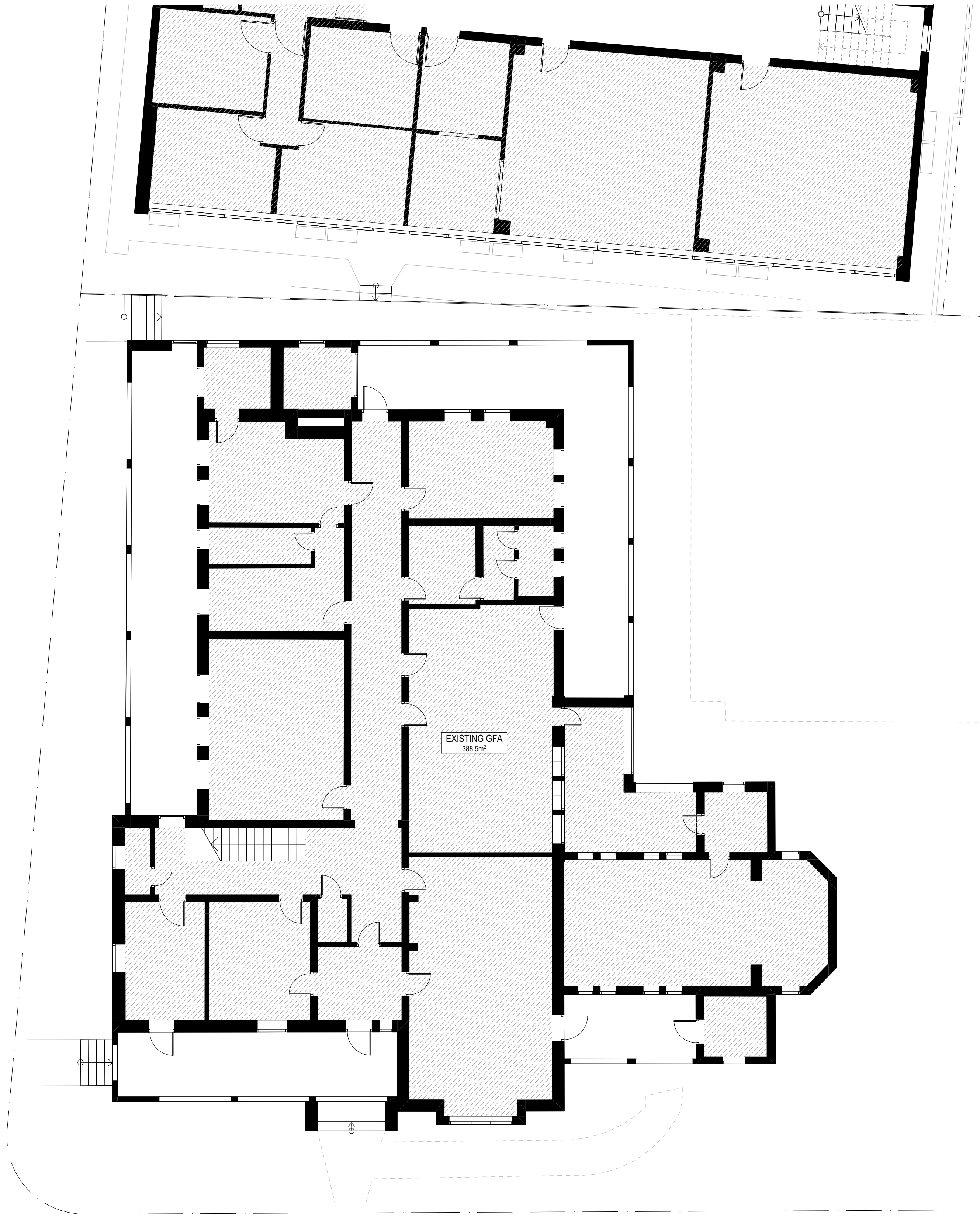
Existing Wall to be Demolished

Proposed Wall

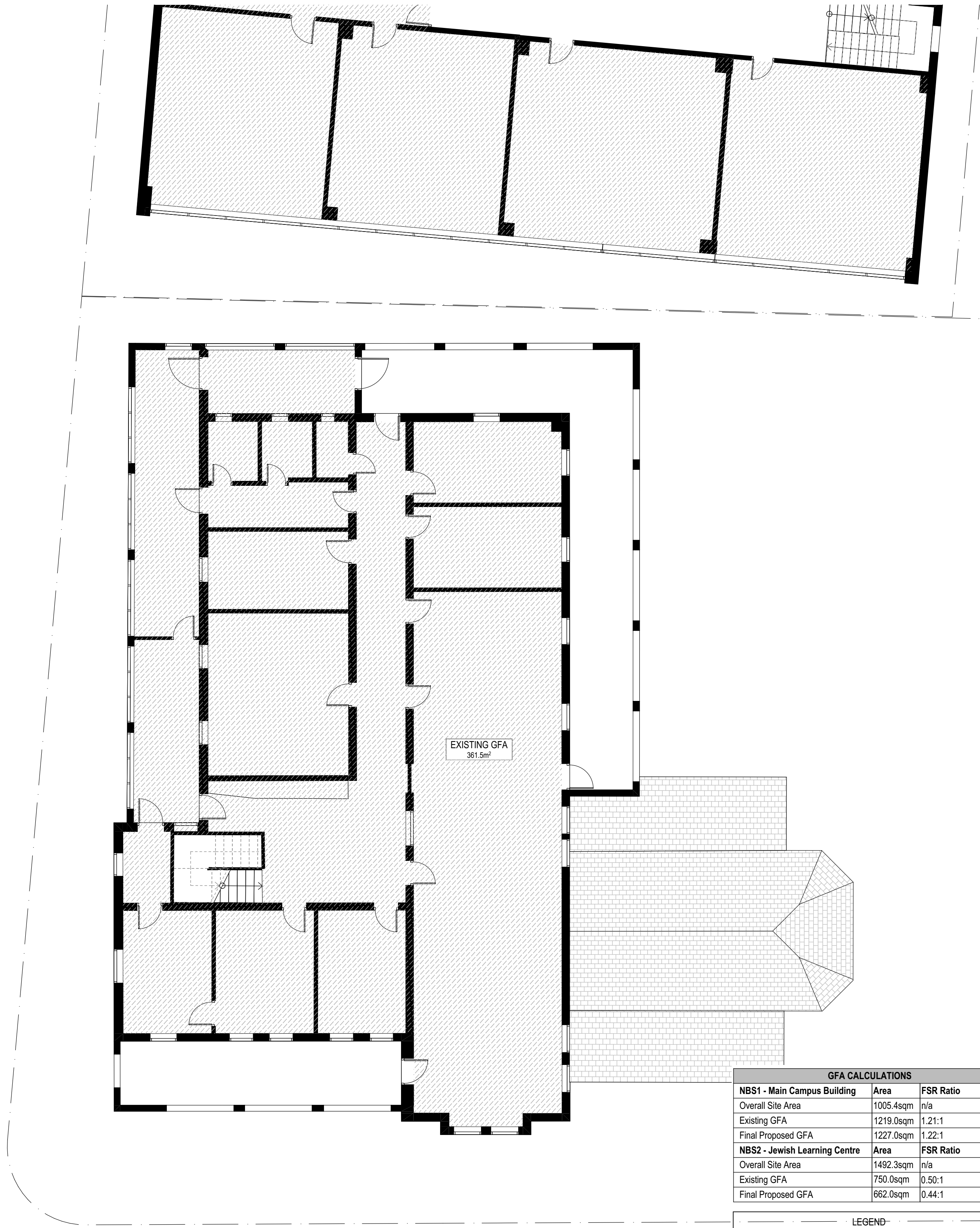
Proposed Glass and Steel Wall

Existing GFA

Proposed GFA



EXISTING GROUND FLOOR PLAN - GFA
SCALE: 1:100



EXISTING FIRST FLOOR PLAN - GFA
SCALE: 1:100

GFA CALCULATIONS		
NBS1 - Main Campus Building	Area	FSR Ratio
Overall Site Area	1005.4sqm	n/a
Existing GFA	1219.0sqm	1.21:1
Final Proposed GFA	1227.0sqm	1.22:1
NBS2 - Jewish Learning Centre	Area	FSR Ratio
Overall Site Area	1492.3sqm	n/a
Existing GFA	750.0sqm	0.50:1
Final Proposed GFA	862.0sqm	0.44:1

LEGEND

Existing Wall

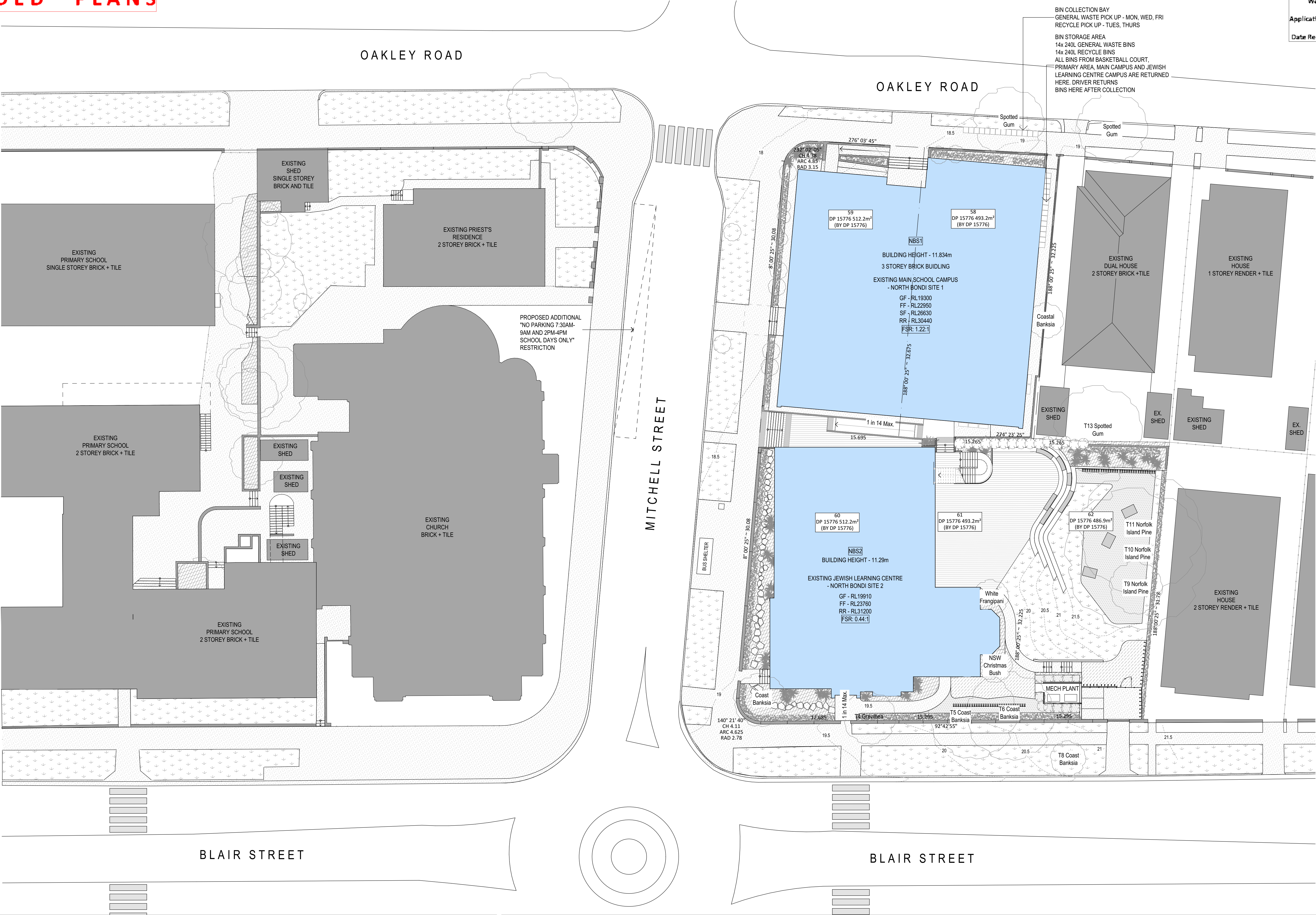
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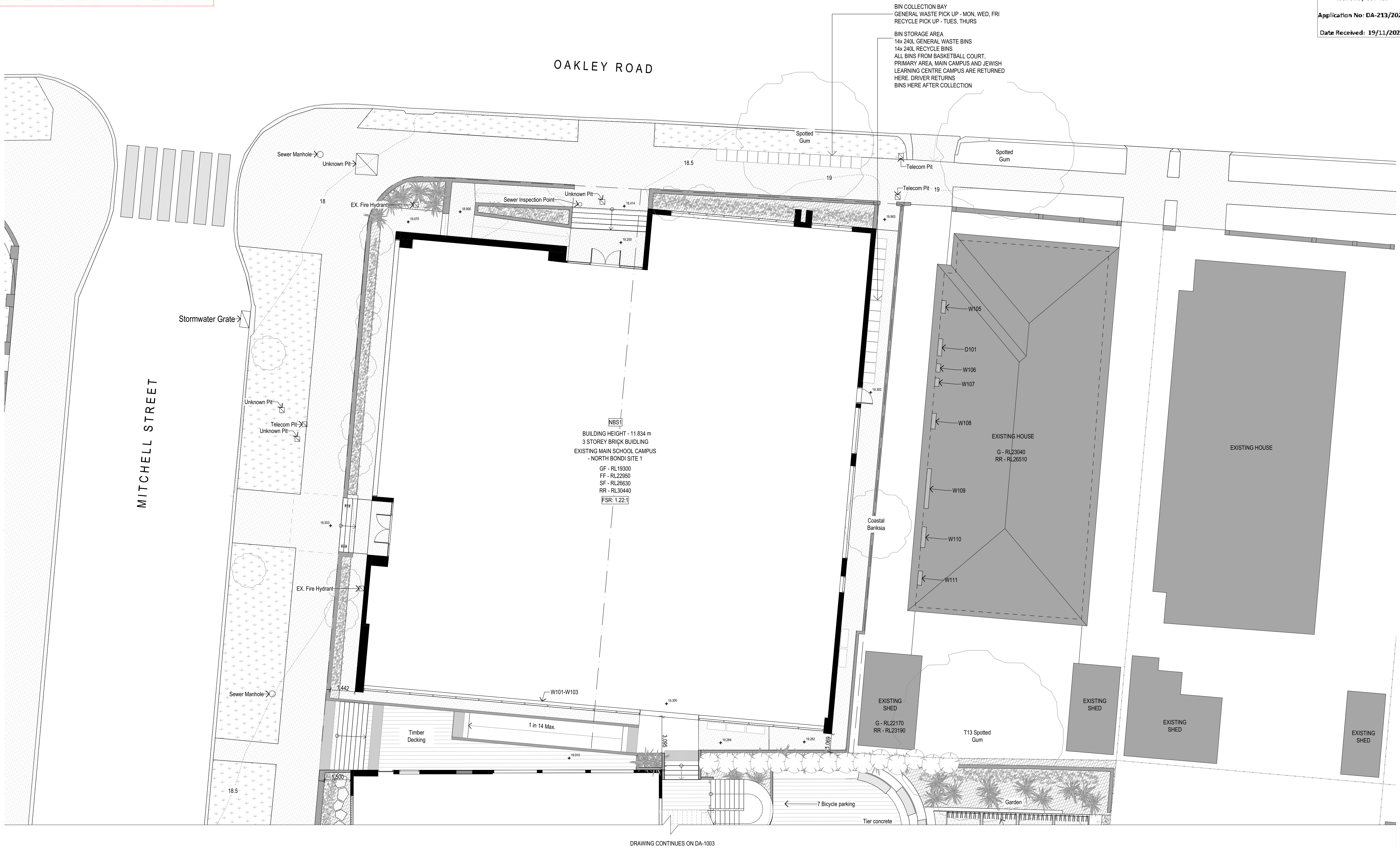
Proposed Wall

Proposed Glass and Steel Wall

Existing GFA

Proposed GFA



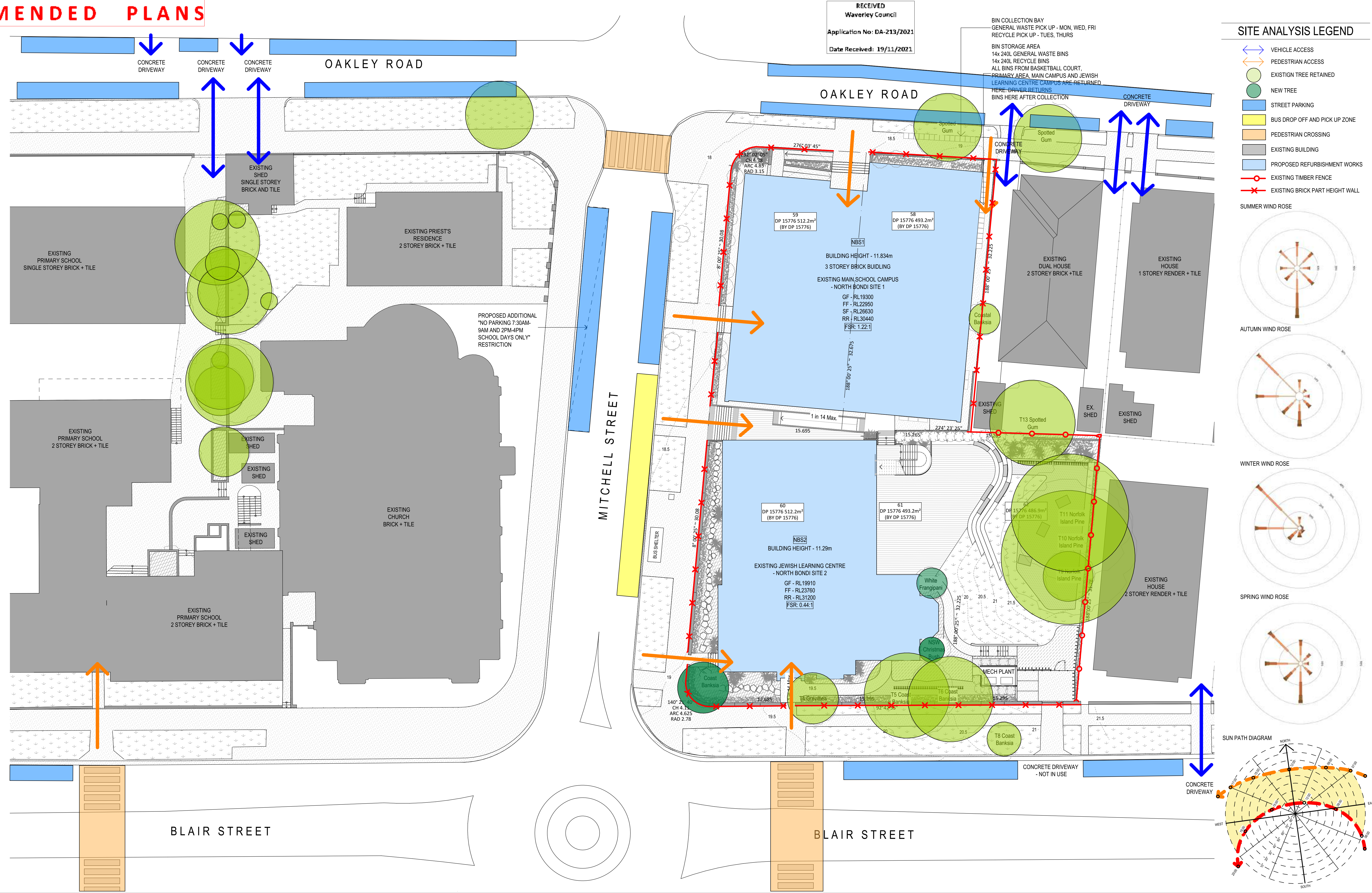


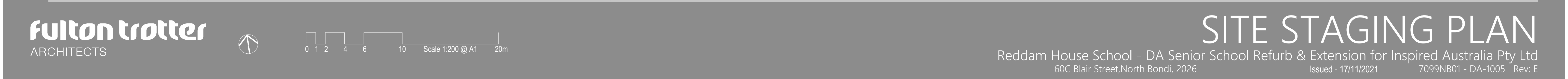
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DRAWING CONTINUES ON DA-1002







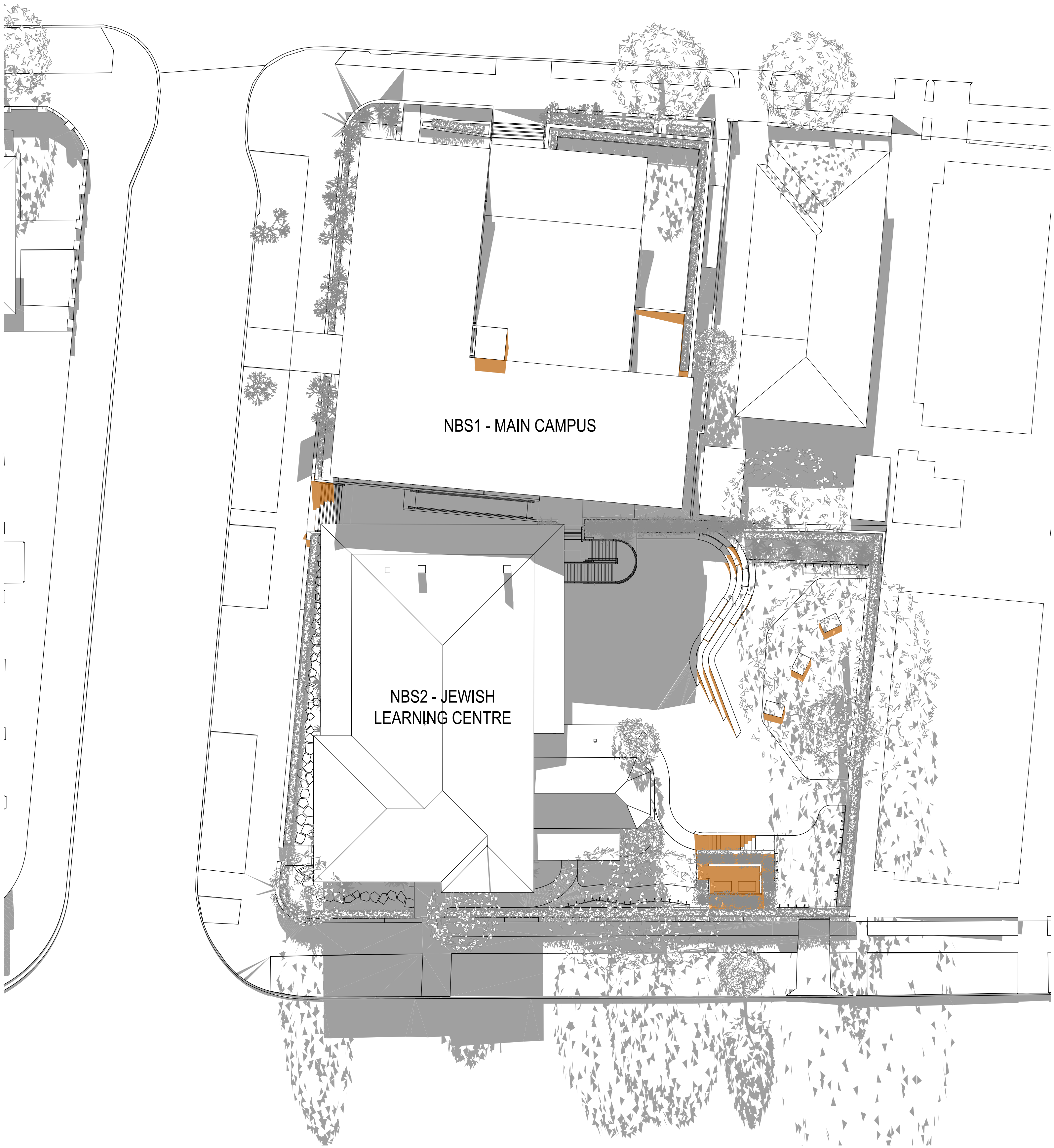


WINTER 9AM 21ST JUNE
SCALE: 1:200

LEGEND

Grey square	Existing Shadows
Orange square	Proposed Shadows





WINTER 12PM 21ST JUNE
SCALE: 1:200

LEGEND

Existing Shadows
Proposed Shadows



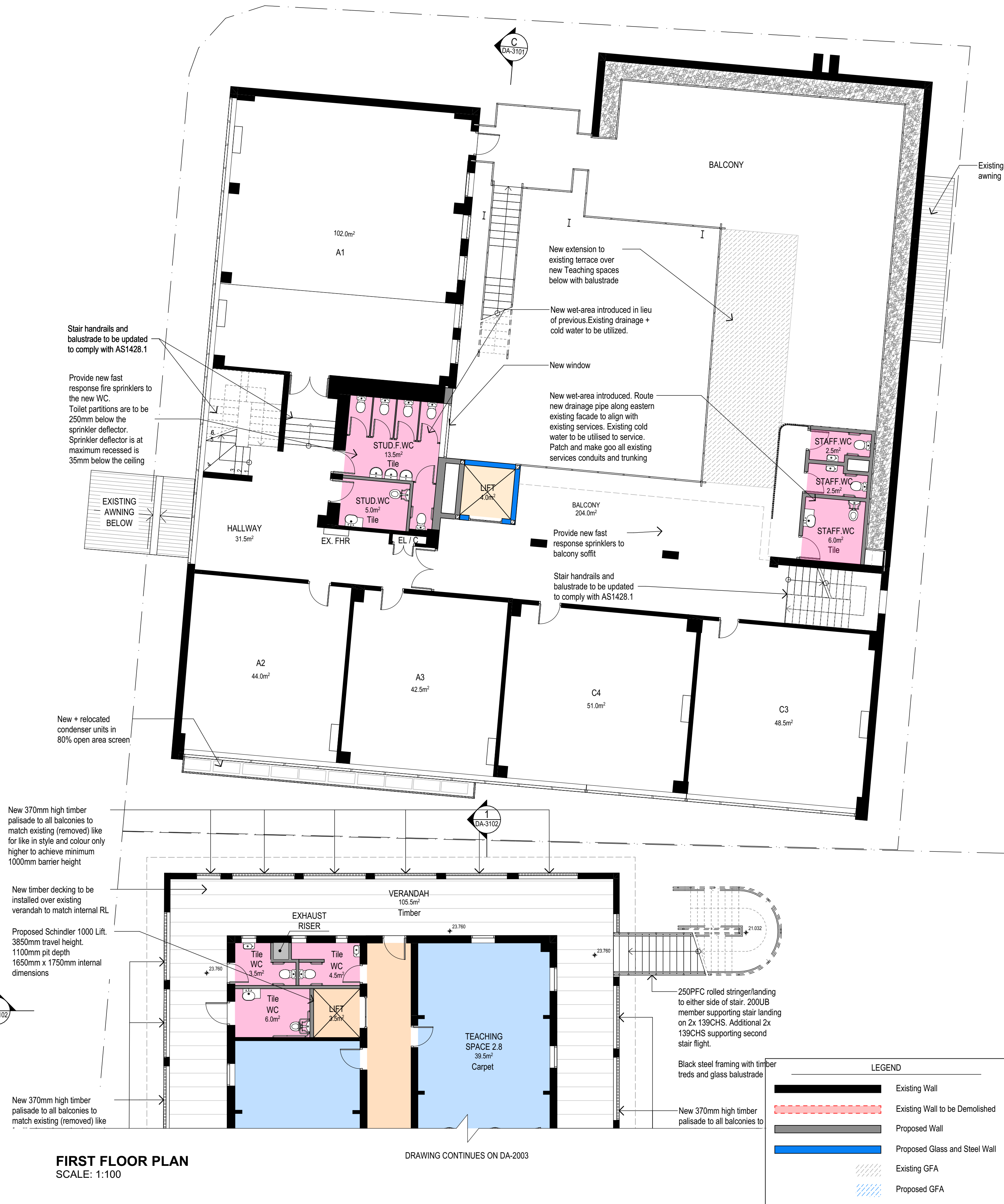
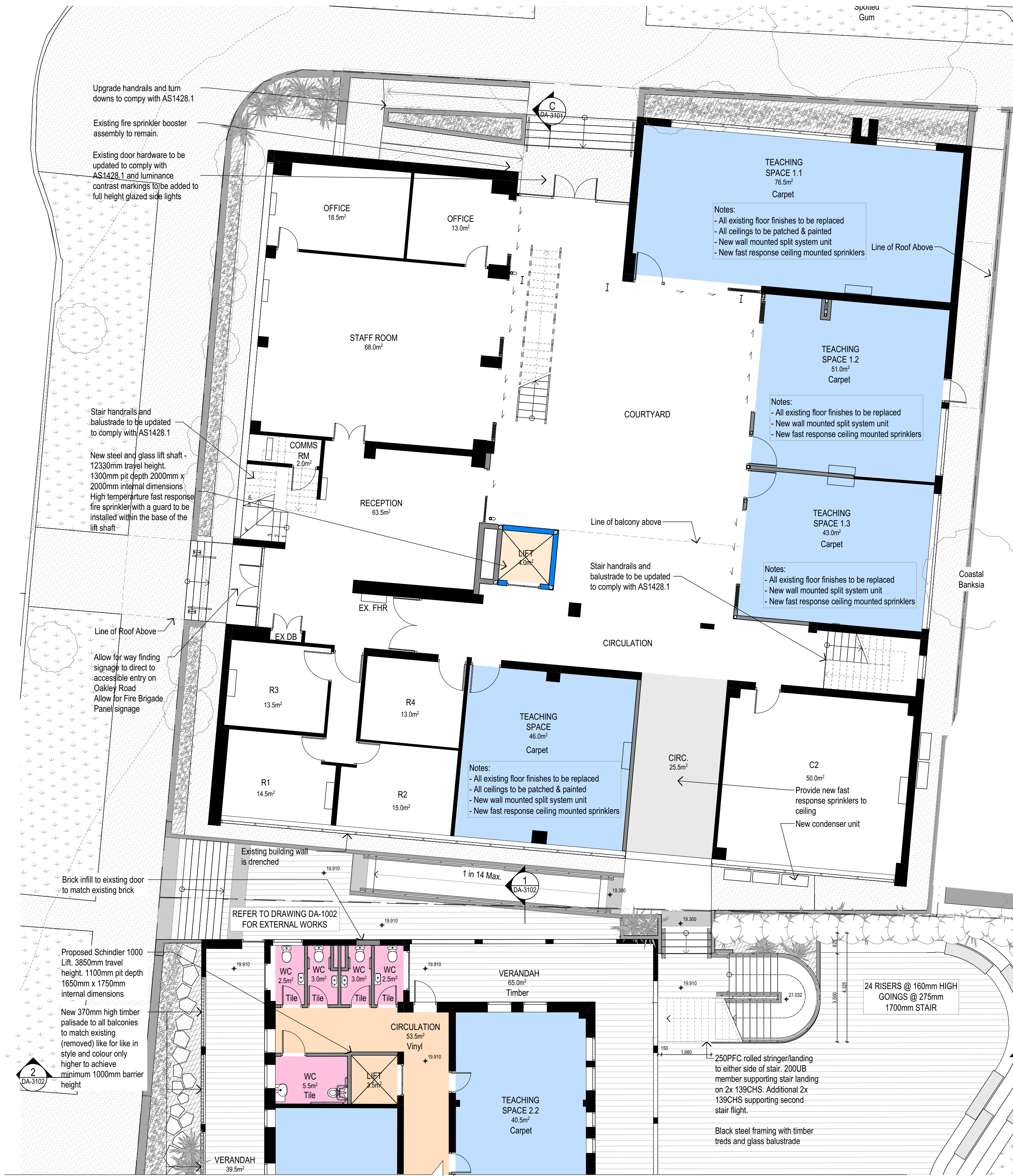


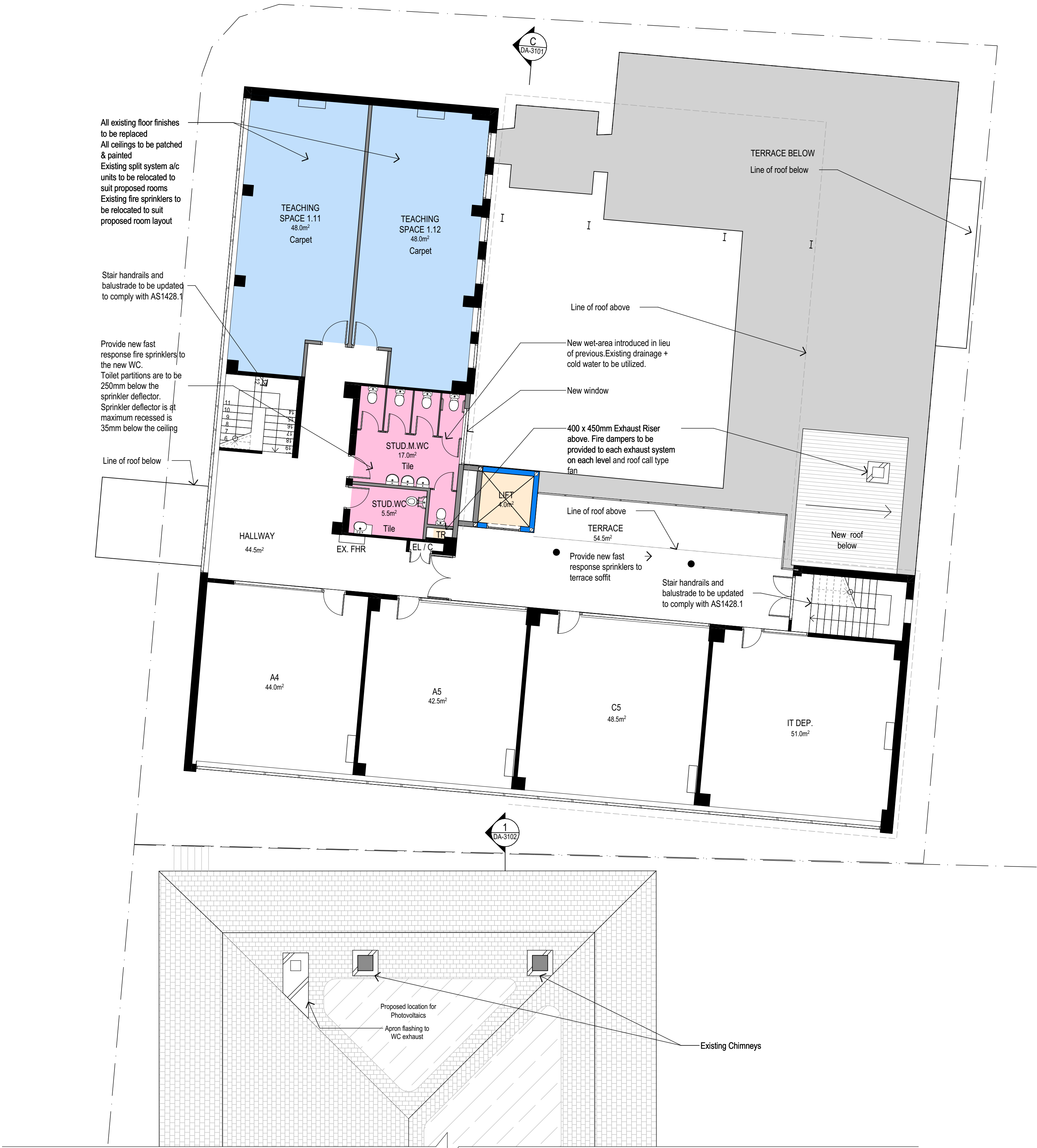
WINTER 3PM 21ST JUNE
SCALE: 1:200

LEGEND

Existing Shadows
Proposed Shadows

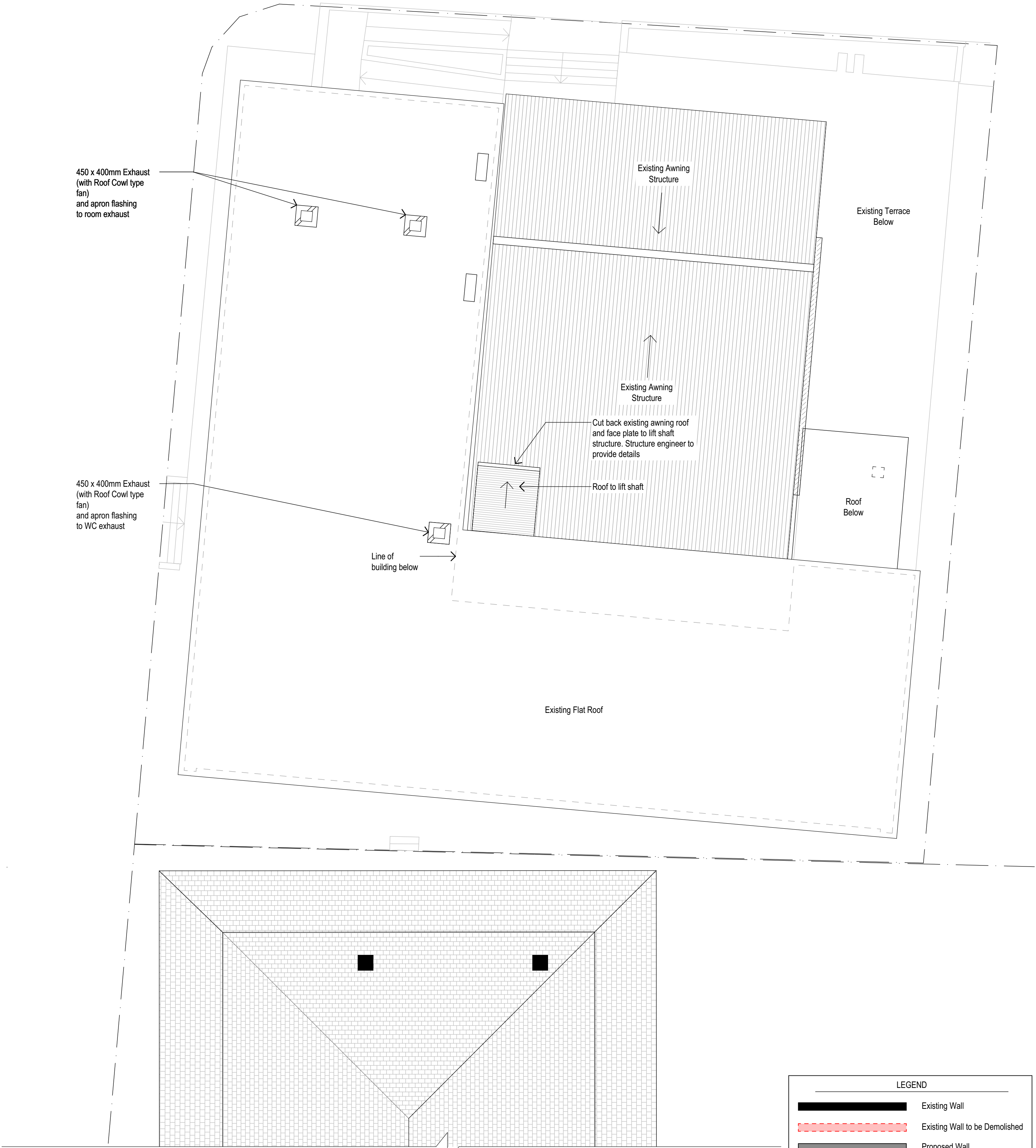






SECOND FLOOR PLAN
SCALE: 1:100

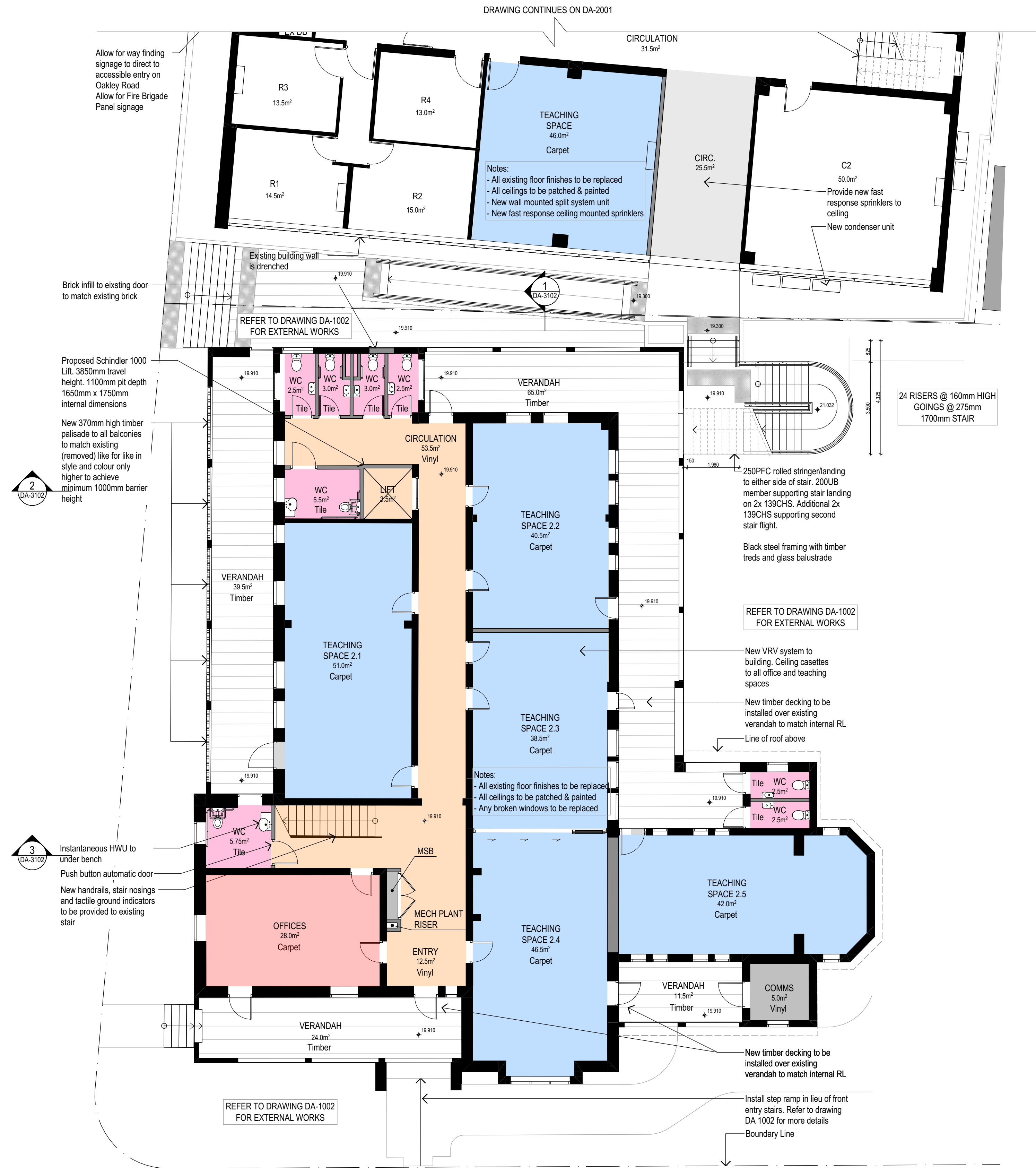
DRAWING CONTINUES ON DA-2004



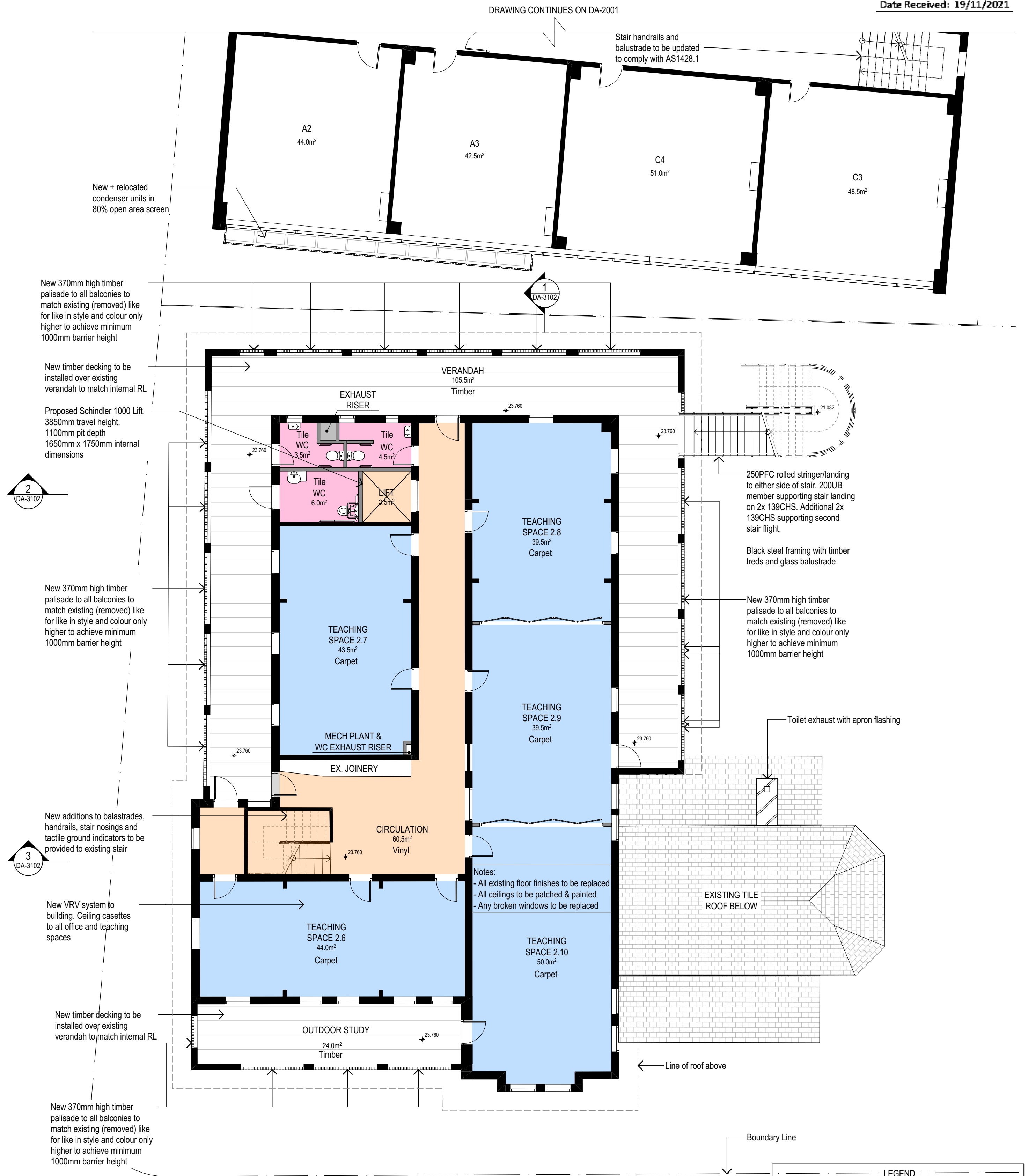
ROOF PLAN - NBS1
SCALE: 1:100

LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA





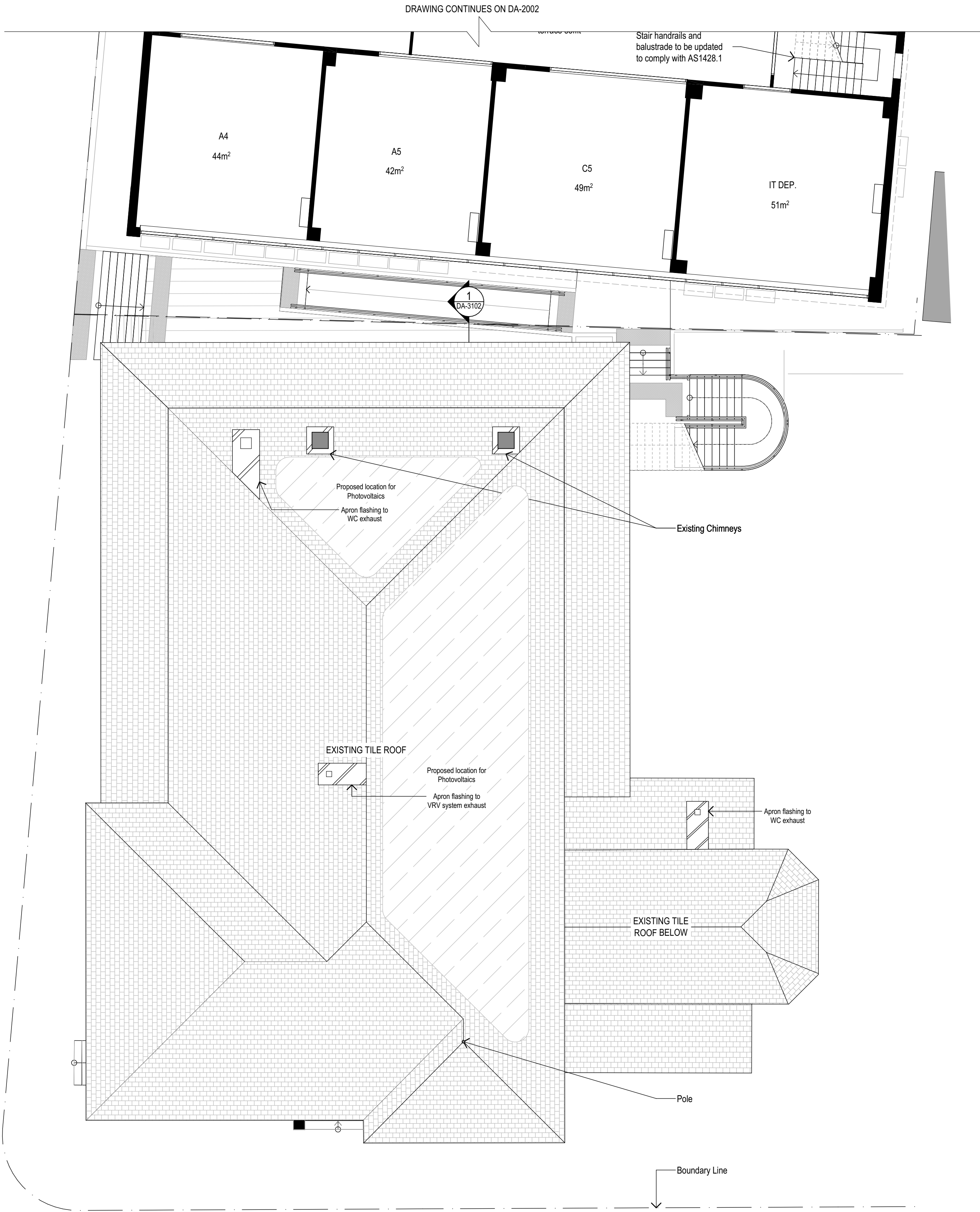
GROUND FLOOR PLAN
SCALE: 1:100



FIRST FLOOR PLAN
SCALE: 1:100

LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA

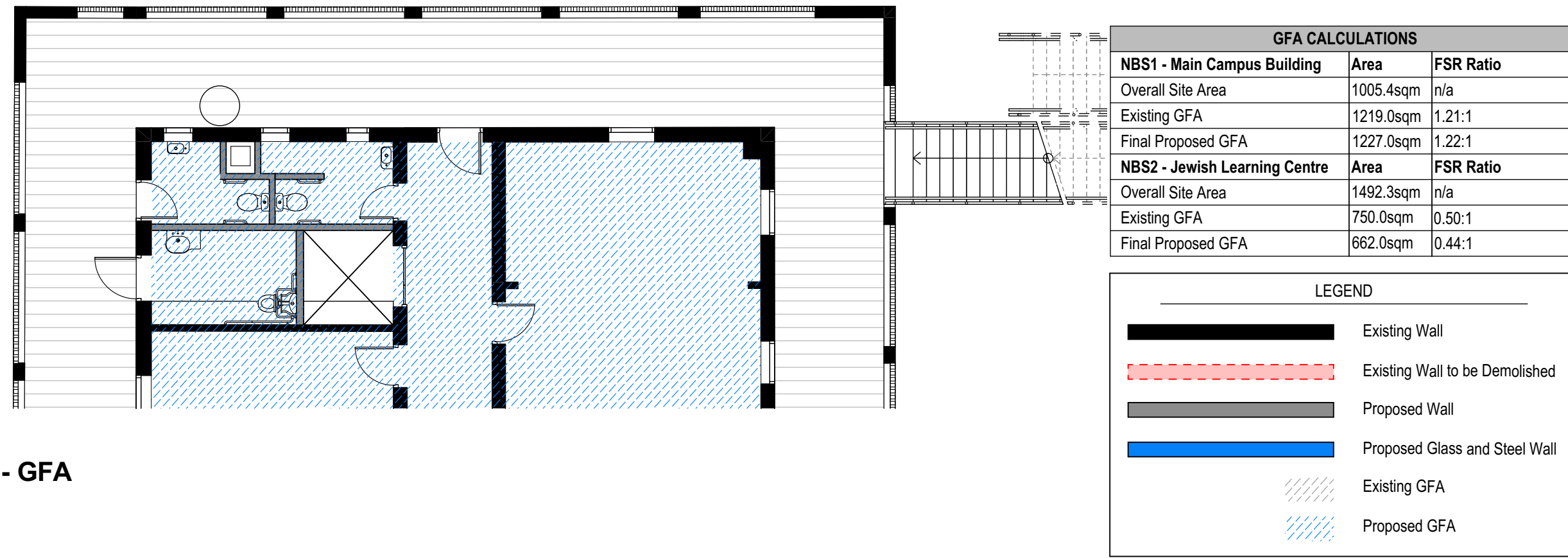
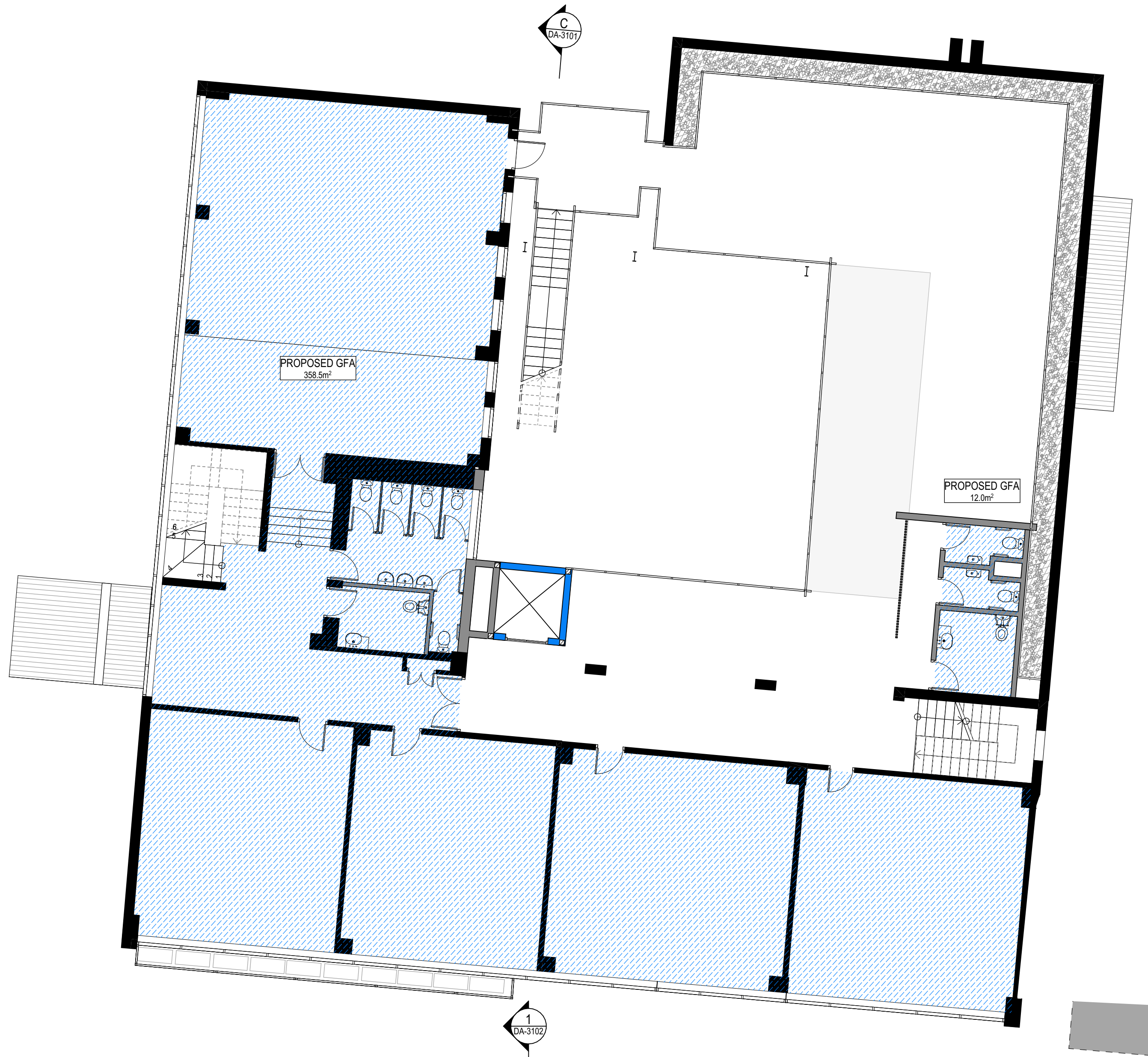


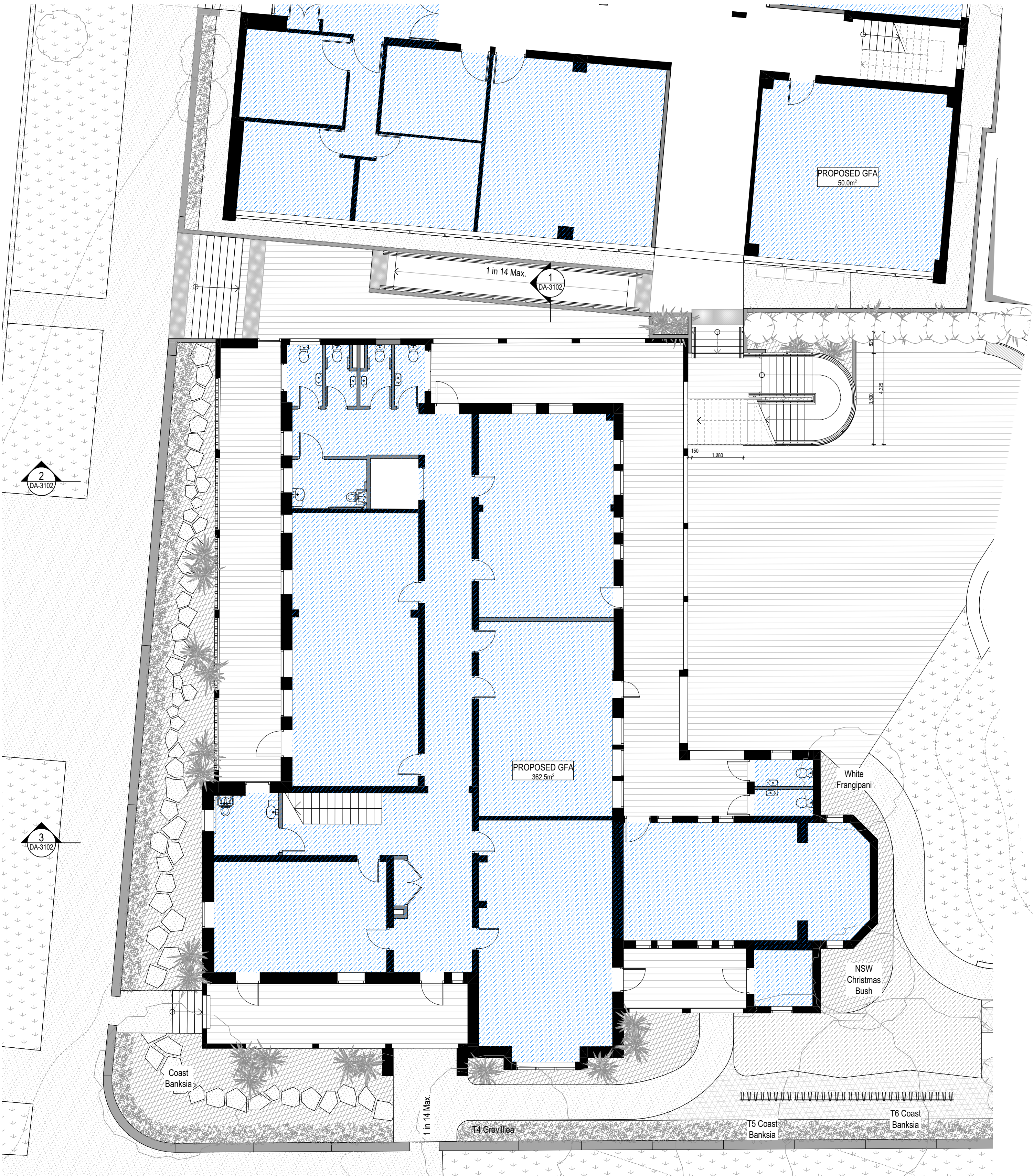


ROOF PLAN - NBS2
SCALE: 1:100

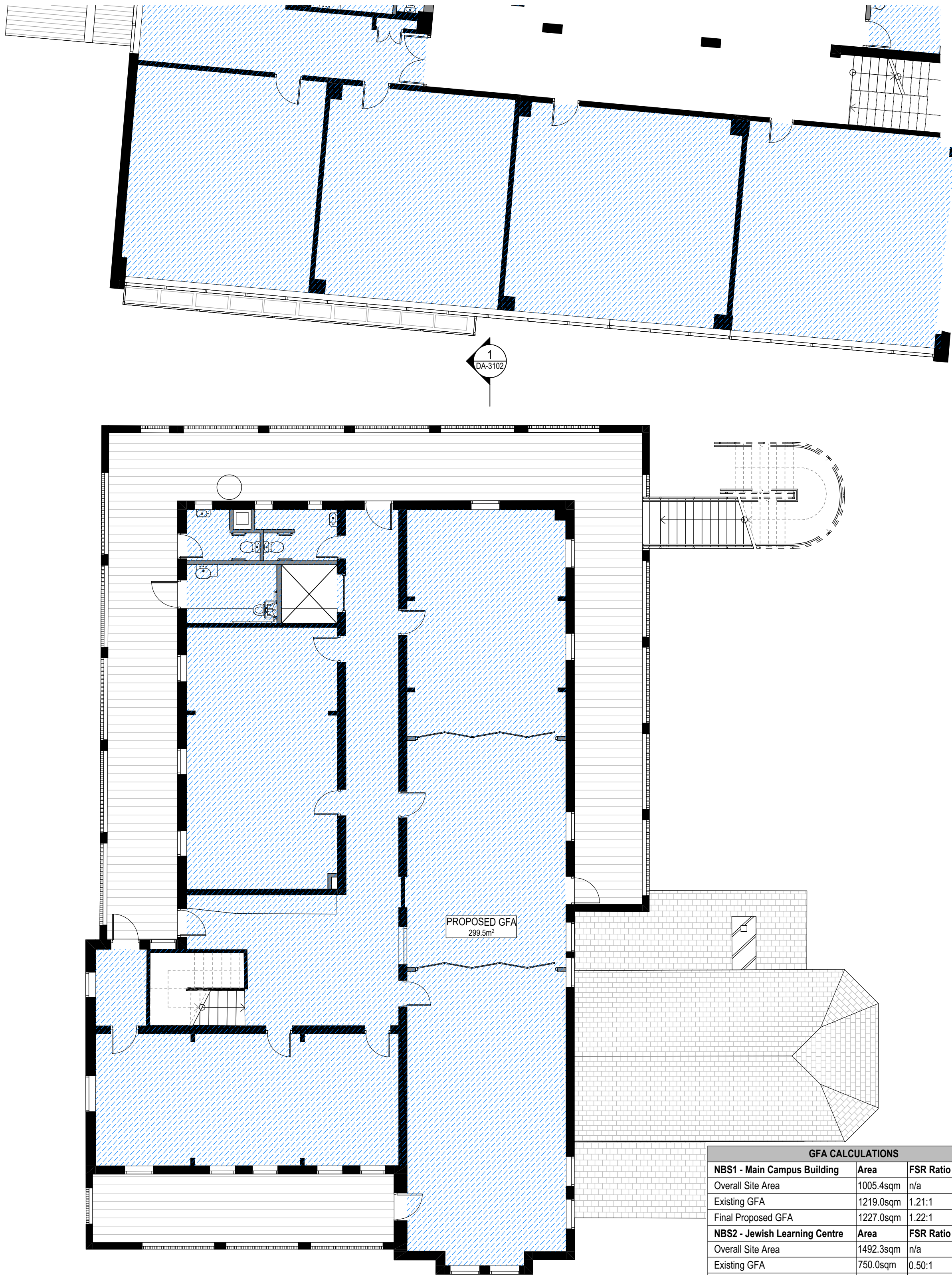
LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA







GROUND FLOOR PLAN - GFA
SCALE: 1:100

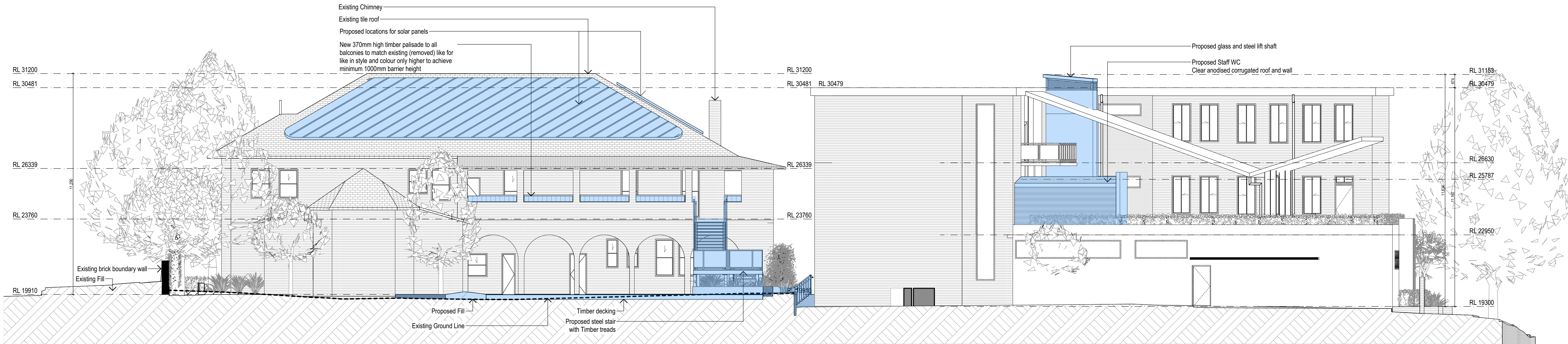


FIRST FLOOR PLAN - GFA
SCALE: 1:100

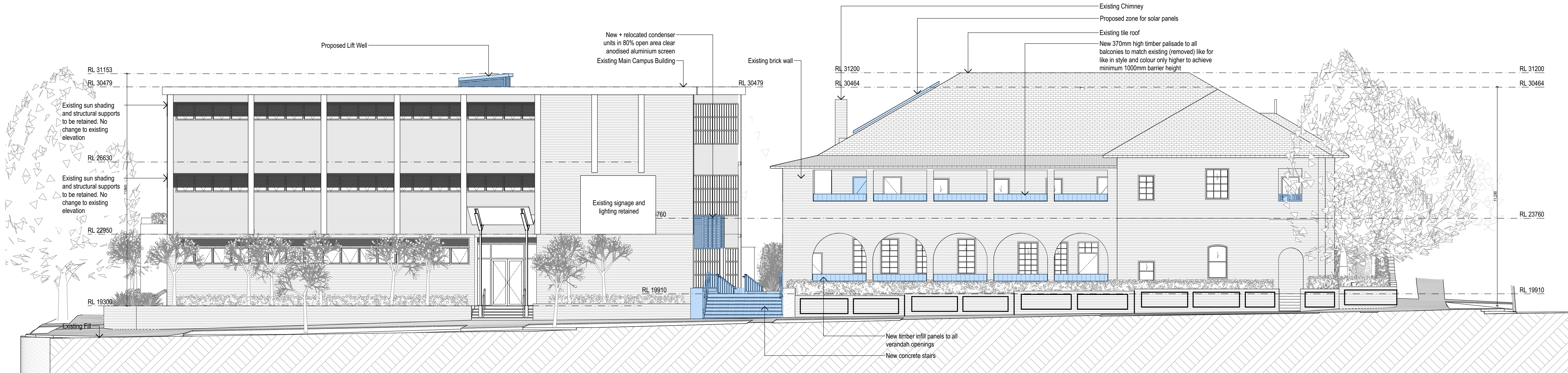
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LEGEND	
	Existing Wall
	Existing Wall to be Demolished
	Proposed Wall
	Proposed Glass and Steel Wall
	Existing GFA
	Proposed GFA

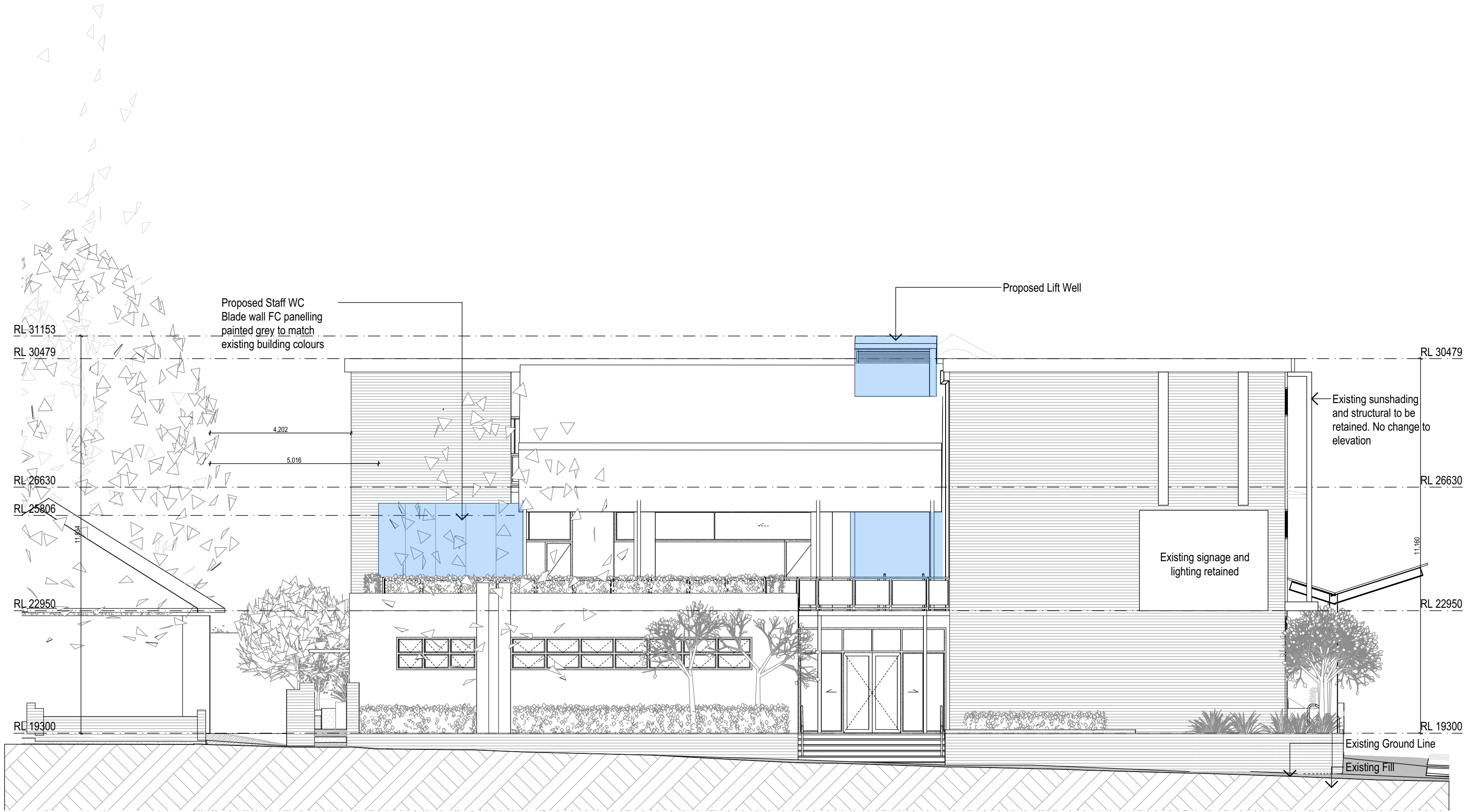




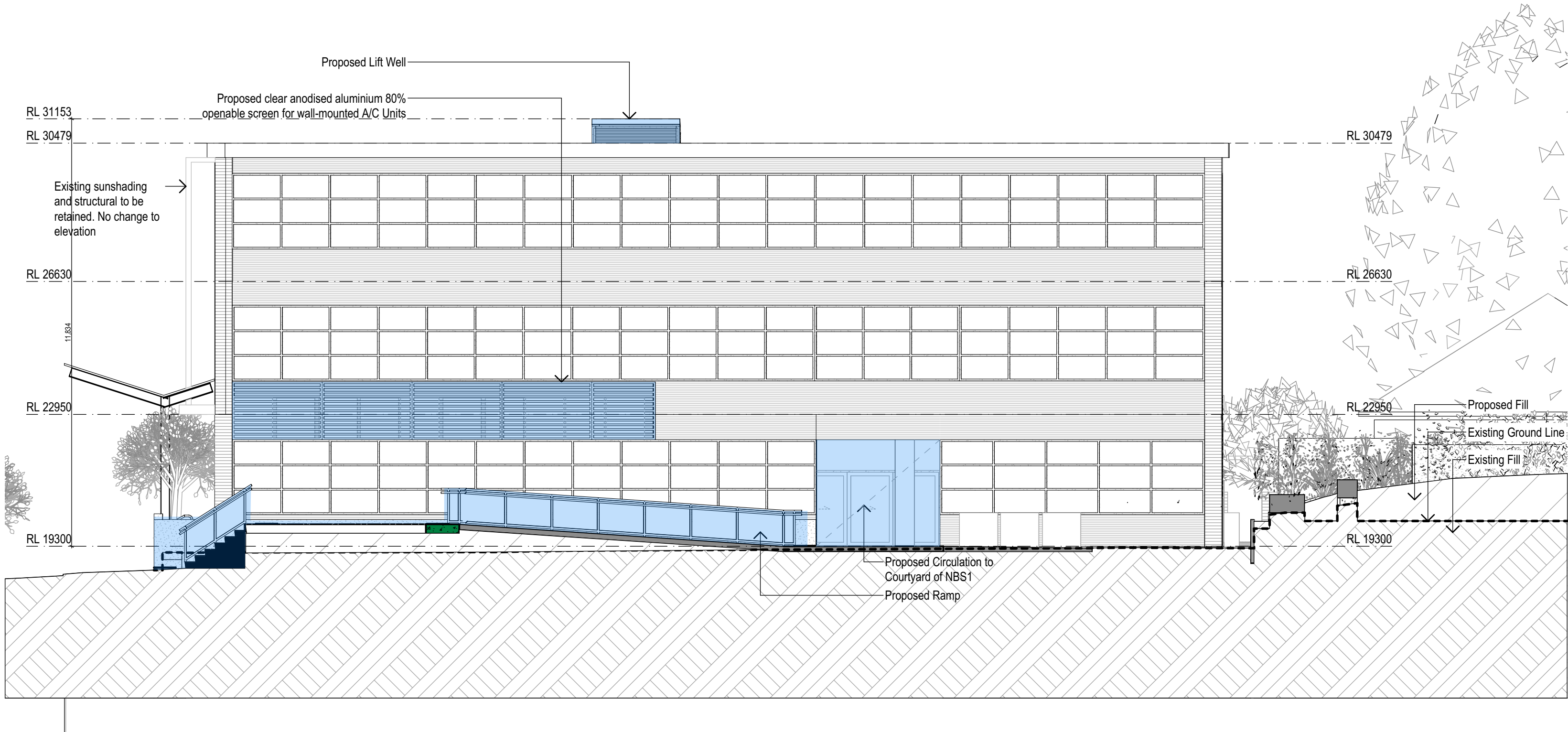
EAST ELEVATION
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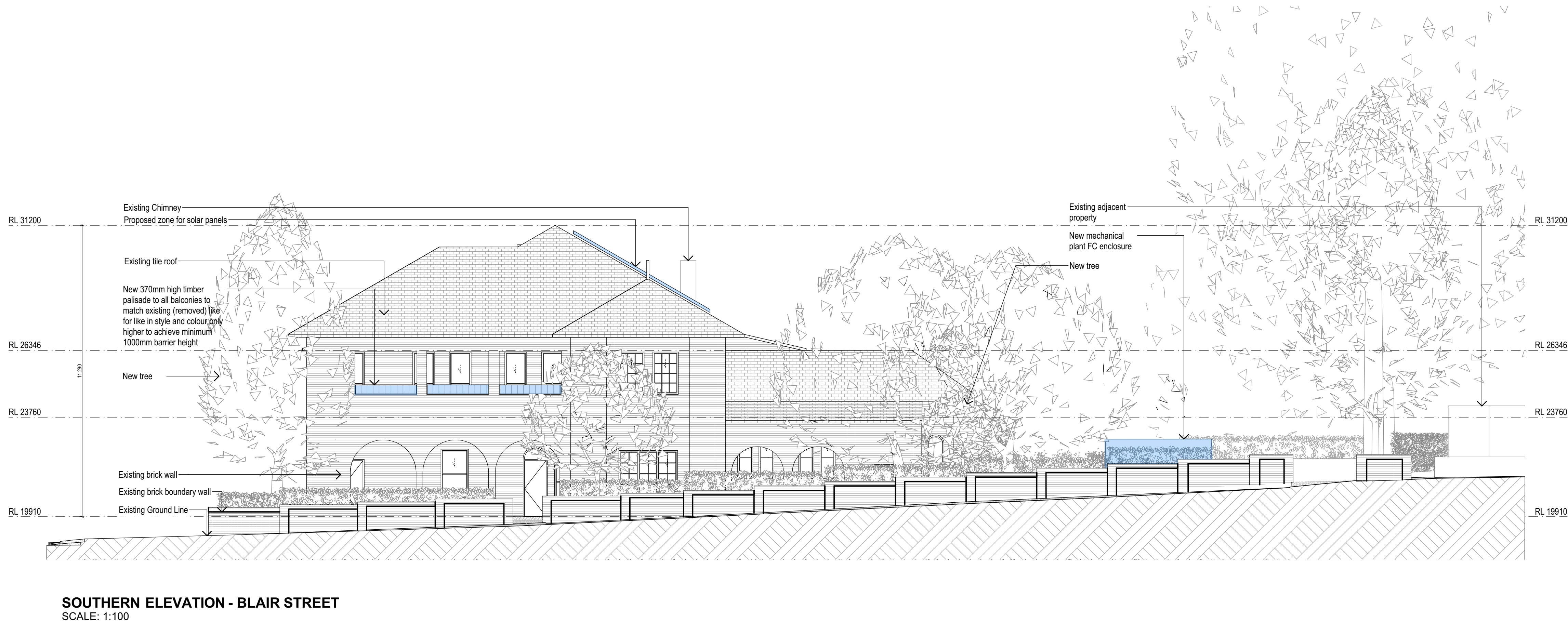
WEST ELEVATION
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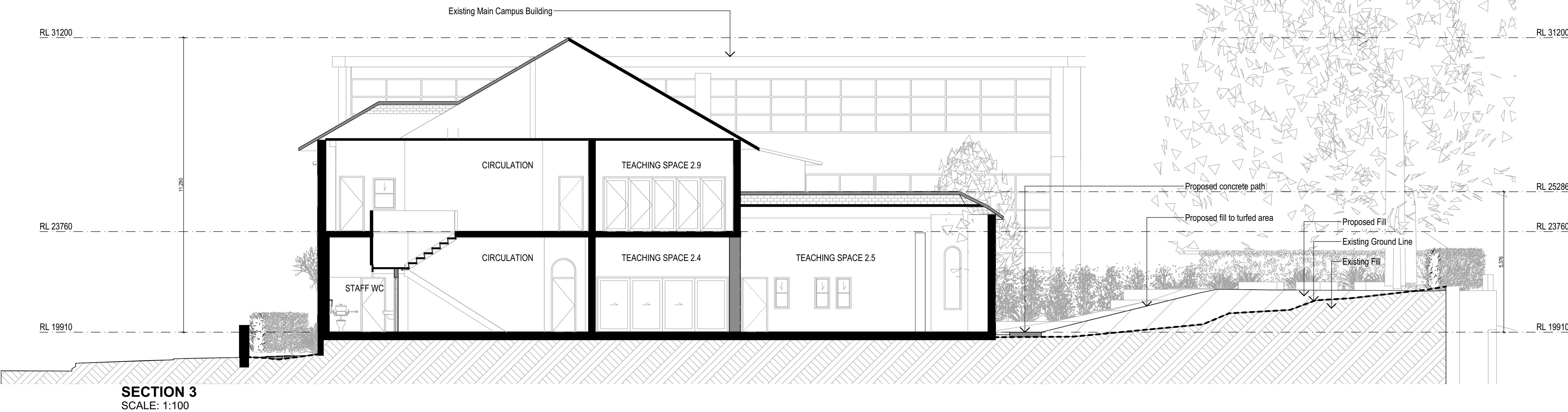
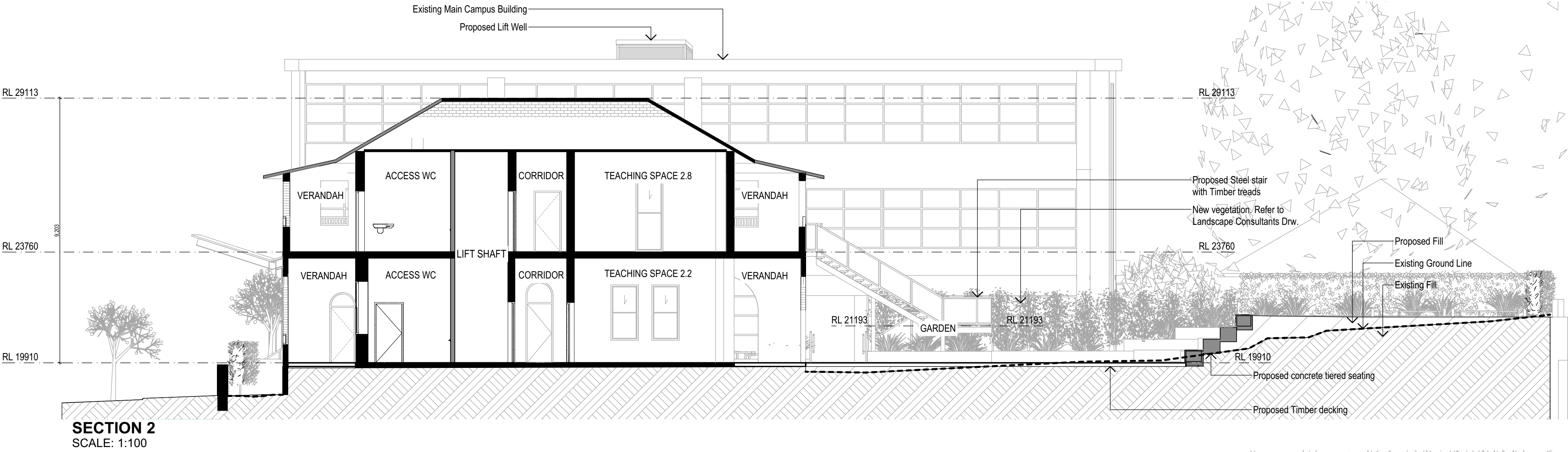
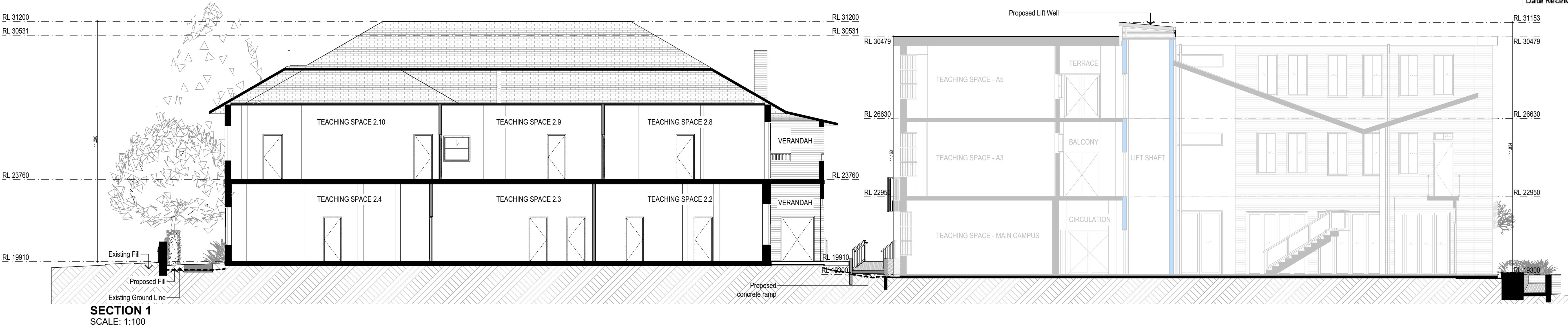
NORTH ELEVATION - OAKLEY RD
SCALE: 1:100



SOUTH ELEVATION - NEW CAMPUS
SCALE: 1:100







AMENDED PLANS

A/C UNIT SCREEN - ALUMINIUM ANODISED



LIFT SHAFT - GLASS AND STEEL STRUCTURE



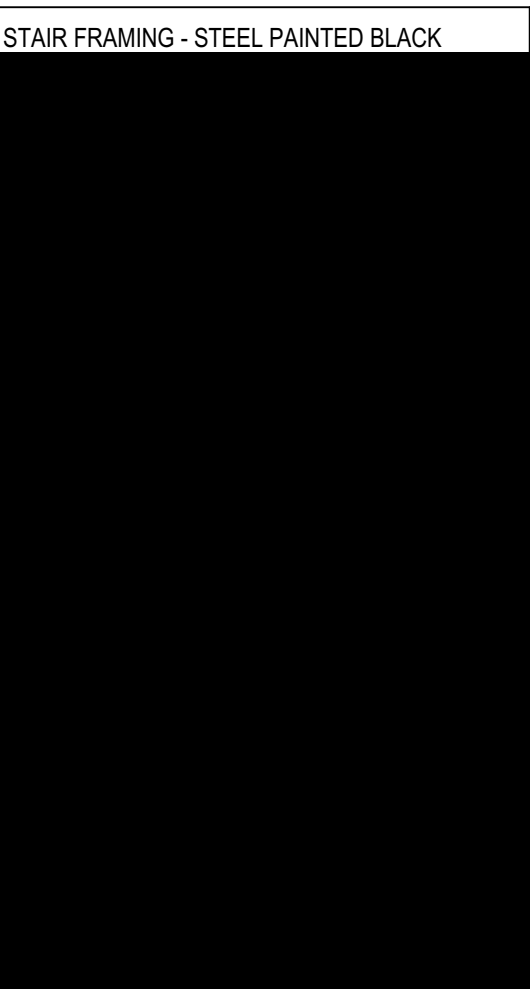
LIFT SHAFT - PAINTED GREY FC PANELLING



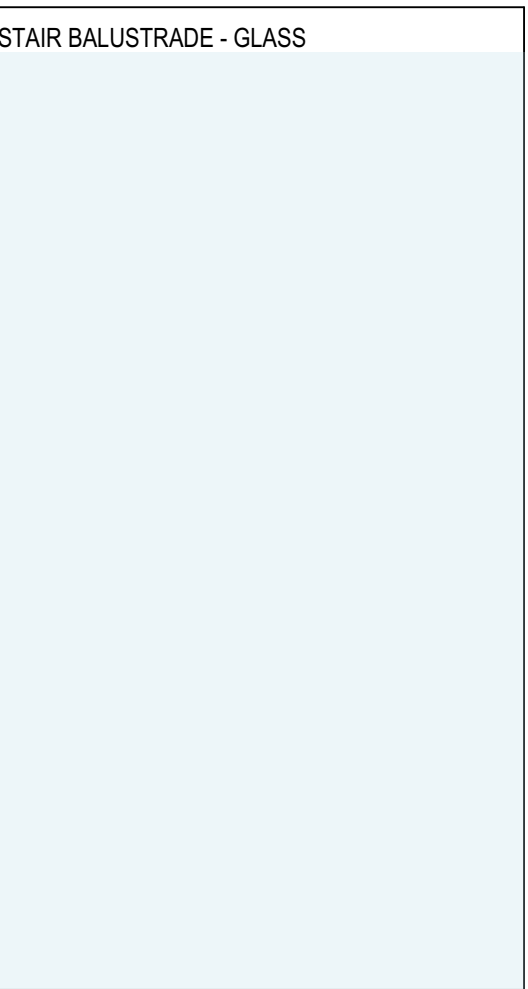
TIMBER BALUSTRADE - PAINTED TO MATCH EX.



STAIR FRAMING - STEEL PAINTED BLACK



STAIR BALUSTRADE - GLASS



NBS1 - MAIN CAMPUS BUILDING



NBS2 - JEWISH LEARNING CENTRE



METAL WALL CLADDING - ALUMINIUM ANODISED



AMENTIES BLOCK - PAINTED GREY FC PANELING



DECKING - TIMBER



