



18 June 2025

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

11.00AM WEDNESDAY, 25 June 2025

QUORUM: Three Panel members.

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

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Live Streaming of Meetings

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available

AGENDA

WLPP-2506.A

Apologies

WLPP-2506.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2506.1

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88-90 Ramsgate Avenue BONDI BEACH NSW 2026 - Demolition of the existing buildings and construction of a new five storey residential flat building, including affordable housing, over two levels of basement parking. (DA-563/2024)

Report dated 15 June 2025 from MoDA.

Council Recommendation: That the development application be **APPROVED** by the WLPP subject to the conditions in Appendix A.

WLPP-2506.2

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45 Blake Street ROSE BAY NSW 2029 - Demolition and construction of a new two-storey semi-detached dwelling, new double garage, boundary adjustment and associated landscaping works. (DA-659/2024)

Report dated 6 June 2025 from MoDA.

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

WLPP-2506.3

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45A Blake Street ROSE BAY NSW 2029 - Demolition and construction of a new two-storey semi-detached dwelling, including new carport, boundary adjustment and associated landscaping works. (DA-657/2024)

Report dated 12 June 2025 from MoDA.

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

WLPP-2506.4

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447 Old South Head Road ROSE BAY NSW 2029 – Demolition of existing buildings and construction of a new multi-dwelling housing with integrated parking and associated landscaping works. (DA-595/2024)

Report dated 16 June 2025 from MoDA.

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

86 Chaleyer Street ROSE BAY NSW 2029 - Torrens title subdivision into two lots. (DA-30/2025)

Report dated 5 June 2025 from MoDA.

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

525 Old South Head Road ROSE BAY NSW 2029 - Demolition of the existing structures and construction of a new shop-top housing building with basement parking, landscaping and associated works. (DA-556/2024)

Report dated 13 June 2025 from MoDA.

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

4 Cross Street BRONTE NSW 2024 – Alterations and additions to an existing residential flat building including extensions to and replacement of balconies at the rear. (DA-633/2024)

Report dated 11 June 2025 from MoDA.

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

44 Bourke Street QUEENS PARK NSW 2022 – Alterations and additions to the existing dwelling, conversion of the swimming pool to a basement wine cellar, a new vehicle crossing, garage and first floor secondary dwelling above. (DA-667/2024)

Report dated 11 June 2025 from MoDA.

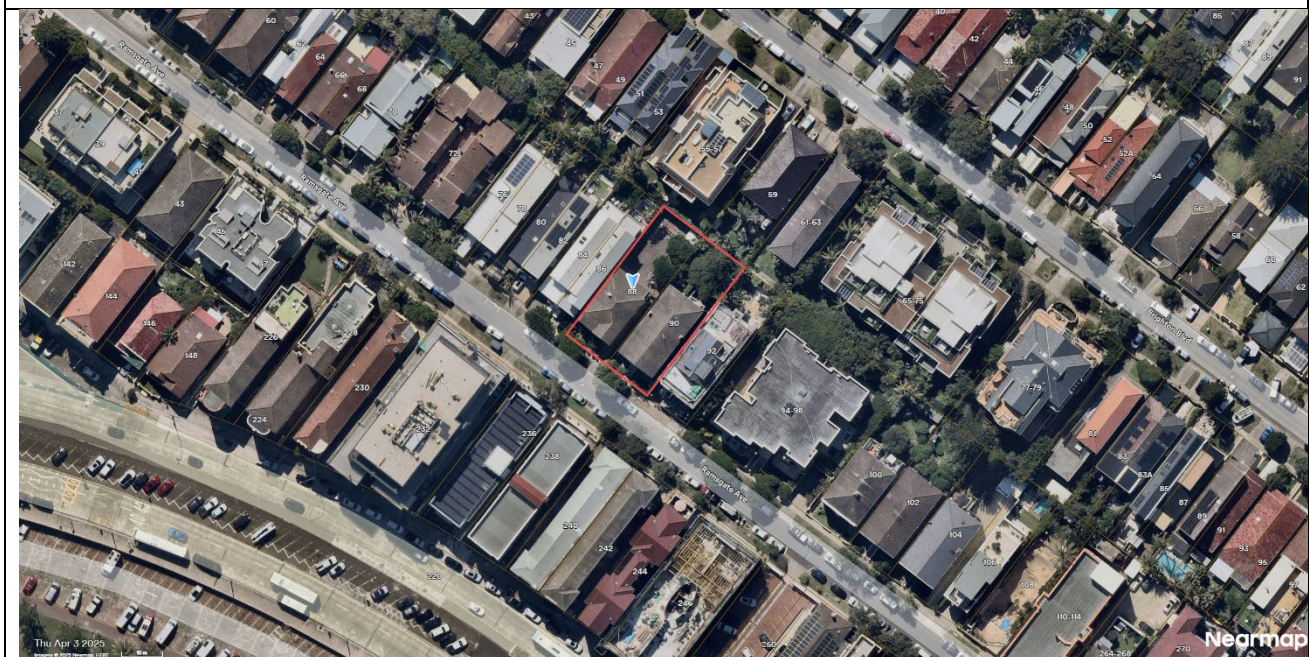
Council Recommendation: That the development application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendix A.



Report to the Waverley Local Planning Panel

Application number	DA-563/2024
Site address	88-90 Ramsgate Avenue, Bondi Beach
Proposal	Demolition of the existing buildings and construction of a new five storey residential flat building, including affordable housing, over two levels of basement parking.
Date of lodgement	12 November 2024
Owner	Ms R Sopher
Applicant	The Trustee for HSN Acquisition No 1 Trust
Submissions	First round of notification: 20 submissions Second round of notification: 14 submissions
Cost of works	\$12,100,000
Principal Issues	<ul style="list-style-type: none"> • Height and FSR • View impacts • Privacy
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 demolition of the existing buildings, construction of a five storey residential flat building (RFB), containing 11 units (three affordable), over two levels of basement parking and site amalgamation, at the site known as 88-90 Ramsgate Avenue, Bondi Beach.

The principal issues arising from the assessment of the application are height and floor space ratio (FSR), view impacts, privacy and excavation. The assessment finds these issues acceptable because the proposal complies with the maximum building height and FSR standards permitted under *State Environmental Planning Policy (Housing) 2021* (SEPP (Housing) 2021), with the proposed 30% height and FSR uplift for the provision of at least 10% affordable housing.

The proposal will impact on views obtained from properties surrounding the site, particularly properties located at the rear. The extent of view impact has been minimised as far as practicable within a compliant building envelope. The View Impact Assessment (VIA) provides photos of existing views and photomontage images of affected views. Under SEPP (Housing) 2021, the site is subject to a maximum building height of 16.25m and an FSR of 1.17:1, permitting the development of up to five storeys in this instance. The proposal includes site amalgamation, enabling greater setbacks and separation distances to be provided to minimise the extent of privacy and shadow impacts as well as landscape opportunities, than if these sites were to be redeveloped as two separate lots to the maximum permitted height and FSR. Accordingly, the proposal comprising one building across the two sites will yield a better overall outcome than what may be realised should the sites be developed separately to the maximum permitted built form.

The proposal includes excavation to accommodate two levels of basement for car parking, services and the like. The basement is within the footprint of the building, with the exception of the required fire stairs along the western side of the site and is appropriately set in from the side boundaries. Conditions of consent are recommended to ensure the excavation works are undertaken in accordance with the Geotechnical Report submitted with the application.

Over two separate notification periods, Council received 34 separate email correspondences in relation to the application. Of the 34 emails received, 32 unique submissions were received objecting to the proposal. 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* (the Act). It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 19 March 2025. A further site visit was carried out on 14 May 2025.

The site is across two lots, identified as Lot 22 Sec of DP 9177 known as 88 Ramsgate Avenue and SP 4303, known as 90 Ramsgate Avenue Bondi Beach.

The site is rectangular in shape with a frontage of 24.39m to Ramsgate Avenue. It has an area of 954.8m² and falls from the north-western section corner of the site towards the south-eastern corner by approximately 1.7m.

At 88 Ramsgate Avenue, the site is occupied by a two-storey dual occupancy containing two dwellings stacked vertically with parking provided for one car within the front setback. At 90 Ramsgate Avenue, the site is occupied by a two-storey RFB containing four x two bedroom units, with no vehicular access provided to the site.

The site is adjoined by a two storey semi-detached dwelling to the west and a building currently under construction to the east of the site. The locality is characterised by a variety of low to medium density residential developments.

Figures 1 to 4 are photos of the site and its context.



Figure 1: Subject site, No. 88 Ramsgate Avenue, facing north.



Figure 2: Subject site, No. 90 Ramsgate Avenue, facing north.



Figure 3: Neighbouring site to the east, No. 92 Ramsgate Avenue.



Figure 4: Neighbouring site to the west, No. 86 Ramsgate Avenue, facing north.

1.3. Relevant Development History

A search of Council's records revealed the following recent (last ten years) and relevant development history of the site:

- DA-168/2023, Demolition of existing buildings and construction of a new four storey RFB containing six units with integrated basement parking. Approved by the Waverley Local Planning Panel (WLPP) on 14 December 2023.
- Following approval of DA-168/2023, the neighbouring site at No. 88 Ramsgate Avenue became available and was purchased by HSN Property (the applicant).

1.4. Proposal

The development application seeks consent for demolition of the existing buildings, construction of a five storey RFB containing 11 units (three affordable), over two levels of basement parking and site amalgamation, specifically:

- **Basement level two:**
 - Parking for nine resident car spaces one of which has Electric Vehicle (EV) charging;
 - One car wash bay;
 - Four motorcycles spaces;
 - Vehicular access via ramp from Basement Level 1;
 - Maintenance equipment room;
 - Residential storage areas;
 - Mechanical hydrant services shaft; and
 - Associated access via a lift and stairs.
- **Basement level one:**
 - Parking for six cars, comprising two accessible/ disabled parking spaces, two visitor and two resident parking spaces, two of which comprise EV charges;
 - Cleaner equipment room;
 - Residential storage areas, two of which are accessible;
 - Bulky waste area;
 - Residential waste area;
 - Pump and communications rooms;
 - Mechanical hydrant services shaft; and
 - Associated access via a lift and stairs.

- **Ground floor level:**

- Main residential lobby, centrally located with breezeway providing access to the ground floor units;
- Resident and visitor bicycle parking;
- Mailbox and entry area;
- One x one-bedroom (affordable) unit facing the street with an outdoor terrace;
- Lower level of two dual floor x three-bedroom units (adaptable) at the rear of the building, comprising an outdoor terrace. On this level, the units contain one bedroom, ensuite, kitchen, dining and living room with internal stairs to the top level containing two bedrooms with bathroom and laundry;
- Associated access via a lift and stairs;
- Fire hydrant booster valve integrated into the fencing and landscaping facing the street;
- Vehicular driveway off Ramsgate Avenue providing access to the basement parking;
- Surfboard rack and outdoor shower along the south-eastern boundary;
- Common garden area, associated landscaping with rainwater tank and on-site detention tank; and
- Removal of one street tree.

- **First floor level:**

- One x one-bedroom (affordable) unit facing the street with balcony;
- Upper level of ground floor 'dual level' apartments;
- Common lift lobby/ breezeway;
- Associated access via a lift and stairs
- Plant room and mechanical services; and
- Associated landscaping with planters.

- **Second floor level:**

- One x one-bedroom (affordable) unit facing the street with balcony;
- One x two-bedroom unit facing the street with balcony;
- Two x two-bedroom units facing the rear with balcony;
- Common lift lobby / breezeway; and
- Associated access via a lift and stairs.

- **Third floor level:**

- One x three-bedroom unit facing the street with balcony;

- One x three-bedroom unit facing the rear with balcony;
 - Common lift lobby/ breezeway; and
 - Associated access via a lift and stairs.
- **Fourth floor level:**
 - One x three-bedroom unit with front balcony and rear terrace; and
 - Associated access via a lift and stairs.
 - **Roof level:**
 - Lift overrun and associated mechanical plant equipment, screened.

1.5. Background

The development application was lodged on 12 November 2024 and deferred on 5 February 2025 for the following reasons:

1. Floor space ratio (FSR) and building height

Council recommends the following:

- a) *Submit hourly and elevation /view from the sun shadow diagrams to show extent of shadow impact to the windows and private open spaces of surrounding properties.*
- b) *Rationalise the extent of excluded floor area and voids throughout the development, particularly at level one and remove the plant room facing the street to enable a more optimal outcome.*
- c) *Ensure the calculation of gross floor area (GFA) extends to the glazing line at each level. The floor plans indicate a straight line between structural walls however the extent of floor area extends beyond this to the glazing line.*
- d) *Reduce the height of the proposal to comply with the maximum permitted building height, inclusive of the roof plant. Consider increasing the setbacks of the upper levels to minimise the extent of potential view impacts (see below).*

2. View impact Assessment (VIA)

Council recommends the following:

- a) *A VIA is to be prepared including an assessment against the Land and Environment Court “Tenacity” Planning Principle. The VIA is to consider views obtained from properties surrounding the subject site and particularly to the rear, including (but not limited to): Nos. 45, 47, 49, 51, 53, 55-57, 59 and 61-63 Brighton Boulevard and any other views that may be impacted by the proposal.*
- b) *The view impact assessments are to take into account the new leading edges of the building as a result of the increased height and rear building line, and is to include the lift overrun and photovoltaic (PV) panels which may impact on view corridors and/or oblique views enjoyed by nearby properties. The view impact analysis is to also be certified by a qualified Surveyor.*

3. Landscaping and trees

Council recommends the following:

- a) Amend the landscape and corresponding architectural plans to provide a continuous deep soil area of at least 2m along one of the side setback in accordance with the Waverley Development Control Plan 2012 (Waverley DCP 2012) (Part C2, section 2.3.2, control (d)).
- b) Council's Tree Officer recommends that the Magnolia 'Teddy Bear' be replaced with another local native species listed in the Landscape Plan, or any tree listed in the 'Coastal Slopes and Basin' Preferred Species List from Council's Street Tree Masterplan 2008. The Magnolia species is non-native and contributes minimally to the ecological amenity of the site and is inconsistent with Council's Street Tree Masterplan 2008.

4. Traffic, parking and basement layout

Council recommends the following:

- a) Remove the waiting bay and resubmit the swept wheel path drawings for a B85 design vehicle, demonstrating the minimum driveway width required. The traffic signal at the ramp entrance is to be retained and vehicles entering the basement carpark should have priority over vehicles exiting.
- b) Reconsider the egress stairs to the basement level adjacent to the western boundary to maximise the outdoor courtyard of the ground floor apartment.
- c) Relocate bicycle parking to basement level and reconsider the use of this zone and its relationship to the front landscaped area and streetscape presentation.
- d) Include the volume of storage allocation provided per unit at basement level on the architectural plans.
- e) Include indicative layout of plant equipment at basement level, noting the controls in Part C2, section 2.21, control (b) of the Waverley DCP 2012. Reconsider the configuration of roof plant and relocate condenser units to basement level.

5. Sustainability

Council recommends the following:

- a) Ceiling fans are to be shown on the architectural plans.
- b) PV panels are to be shown on roof, including reduced levels (RLs).

6. Affordable Housing Contribution

In accordance with Section 6.17 of the Waverley Local Environmental Plan 2012 (WLEP), an affordable housing contribution applies to the application, which gives effect to the [Waverley Affordable Housing Contribution Scheme 2023](#) (AHCS), should the development be approved.

Under Section 6.17(3) of the WLEP, the affordable housing contribution can be satisfied in one of two ways:

- a) A monetary contribution paid to the Council, calculated in accordance with the Waverley AHCS adopted by the Council on 5 March 2024, (under the AHCS, the monetary contribution payable would be \$220,946 based on the GFA reported in the DA plans – see Calculation Rates); or
- b) A dedication in favour of the Council of land, comprising 1 or more dwellings, with a gross floor area of at least 50m² each (under the AHCS, one unit at least 50sqm in size would be needed).

A response to the deferral letter, including amended plans were submitted to Council on 14 March 2025. The response addressed the majority of deferral matters however the issues raised regarding the non-compliant height of the building (above the permitted height plane), the double height entry to the building and reduction in the gym space at level one remained unaddressed. Council requested that

these matters be resolved through amended plans which were provided on the 11 April 2025 and form the basis of the assessment.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021

Table 1: Affordable housing, Part 2 Development for affordable housing, Division 1 In-fill affordable housing

Clause / control	Compliance	Comment
16 Affordable housing requirements for additional floor space ratio		
<i>(1) The maximum permissible FSR for the land plus an additional floor space ratio of up to 30%,</i>	Yes	<p>The proposal seeks to utilise the maximum permissible FSR under the Waverley Local Environmental Plan (Waverley LEP 2012) plus an additional 30% under SEPP (Housing) 2021.</p> <p>The Waverley LEP 2012 permits a maximum FSR of 0.9:1 and a GFA of 859.32m² on the site.</p> <p>SEPP (Housing) 2021 permits an additional 30%, resulting in a permitted FSR of 1.17:1 and permitted GFA of 1,117.2m².</p>
<i>(2) The minimum affordable housing component, which must be at least 10%</i>	Yes	The application proposes 15% affordable housing meeting the required GFA contribution.

Clause / control	Compliance	Comment
(3) <i>The maximum permissible building height plus an additional building height that is the same percentage as the additional FSR permitted under subsection (1).</i>	Yes	<p>The proposal also seeks to utilise the maximum permissible building height under the Waverley LEP 2012 plus an additional 30% under SEPP (Housing) 2021.</p> <p>The Waverley LEP 2012 permits a maximum building height of 12.5m on the site.</p> <p>SEPP (Housing) 2021 permits an additional 30%, resulting in a permitted building height of 16.25m on the site.</p> <p>The proposal has a maximum height of 16.24m, measured from the existing ground level to the top of the lift overrun and complies with the development standard.</p>
19 Non-discretionary development standards		
(1) <i>Minimum site area of 450m²</i>	Yes	The site area is 954.8m ² .
(2) (b) <i>Minimum landscape area that is the lesser of:</i> (i) <i>35m² per dwelling, or</i> (ii) <i>30% of site area = 286.44m²</i>	Yes	Under the SEPP, 35m ² per dwelling, for 11 dwellings = 385m ² , or 30%, of the 954.8m ² (site area) = 286.44m ² . The lesser is therefore 286.44m ² . The proposal includes approximately 353m ² of landscaped area, well in excess of the minimum requirement.
(2) (e) <i>parking spaces for dwellings used for affordable housing:</i> (i) <i>for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> (ii) <i>for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> (iii) <i>for each dwelling containing at least 3 bedrooms— at least 1 parking space</i>	Yes	<p>The proposal includes three x one-bedroom affordable housing units. Under the SEPP, 1.2 car spaces are required. The application meets the minimum parking requirements.</p> <p>An assessment against the Waverley DCP 2022 contains a maximum rate of one space per one bedroom unit. This equates to a maximum of three parking spaces, which the development can allocate. A condition of consent requiring the allocation of three parking spaces to the affordable units is recommended in the conditions of consent.</p>
(2) (f) <i>parking spaces for dwellings not used for affordable housing:</i> (i) <i>for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> (ii) <i>for each dwelling containing 2</i>	Yes	<p>The proposal includes three x two-bedroom units, requiring three spaces, and five x three-bedroom units, requiring 7.5 spaces = 10.5 spaces. The non-affordable housing units can be allocated 11 spaces.</p> <p>As above, the Waverley DCP 2022 prescribes the maximum number of car spaces, being 11 spaces which complies with the control. No minimum</p>

Clause / control	Compliance	Comment
<i>bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces</i>		number of parking spaces applies under the Waverley DCP 2022.
<i>(2) (g) the minimum internal area specified in the Apartment Design Guide (ADG)</i>	Yes	The proposed units meet the minimum internal area specified under the ADG.
20 Design requirements		
<i>(3) Consideration of whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.</i>	Yes	The proposed development is compatible with the desired future character of the area. The proposal introduces a higher density of development on the site; however, the amalgamation of two sites ensures that the appropriate setbacks and landscaped area can be achieved on the site.
21 Must be used for affordable housing for at least 15 years		
• <i>Affordable housing must be provided for at least 15 years</i>	Yes	A condition of consent is recommended to require the affordable housing units to be provided as affordable housing for a minimum of 15 years.
22 Subdivision permitted with consent		
<i>Land may be subdivided with development consent</i>	N/A	The site will be Strata subdivided under a separate application process in the future.

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 4 December 2024. The DEAP's comment of the proposed development against the nine design quality principles under the ADG and a planning response to each comment are set out in **Table 2** of this report.

Table 2: Assessment against the Nine Design Quality Principles under SEPP 65

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	• <i>No comment</i>	Council is satisfied that the proposal meets the intent of this principle.
2. Built form and Scale <i>"excluded floor space" has been employed in 3 areas as follows: -</i> • <i>The large screened service zone on level 1 in the façade addressing Ramsgate Avenue where a 55sqm</i>	The amended plans removed the plant room facing the street and replaced with a communal outdoor gym space with perimeter landscaped planters. A smaller plant room has been

Principle	Panel's Comment	Planning Comment
	<p><i>apartment can activate the streetscape and the resultant built form can be more compact.</i></p> <ul style="list-style-type: none"> <i>The partially ventilated communal circulation space is not counted as GFA and requires further clarification.</i> <i>The 2 storey void over the entry is circa 30sqm of excluded floor space.</i> <i>The extensive 2 level double height spaces on Level 1 is circa 60sqm of excluded floor space.</i> <i>The Panel is acknowledging the strategy is employed to boost the bulk and scale of the building to maximise ocean views from the upper levels and is concerned that once the maximized bulk is approved with the voids (circa 145sqm of excluded floor space), further applications seeking to infill these spaces would constitute an exceedance of FSR already increased by the 30% bonus.</i> 	<p>incorporated to the south eastern side of the building to accommodate the hot water systems.</p> <p>The breezeway/circulation areas are open at the eastern and western ends and are therefore excludable GFA under the definition in the Waverley LEP 2012.</p> <p>The entry void area has been amended as part of the reconfigured outdoor gym space. The double height void at the rear has been employed to maximise solar penetration and to provide an open aspect to the rear yards of these dwellings. Council is satisfied that these design features will enable the development to achieve excellent internal amenity for future occupants.</p> <p>A condition of consent is recommended to ensure the building envelope is retained as approved to ensure that the filling of these areas/voids with additional floor space is not permitted under future applications to ensure the design intent is maintained.</p>
3. Density	<ul style="list-style-type: none"> <i>No comments</i> 	Council is satisfied that the proposal meets the intent of this principle.
4. Sustainability	<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>Ceiling fans do not appear in bedrooms</i> <i>Include PV and include in view loss analysis</i> 	<p>Ceiling fans have been included to the plans.</p> <p>The inclusion of PV panels on the roof as is not required under the BASIX or SEPP (Housing) 2021. This also alleviates the potential for PV panels to further impact views.</p>
5. Landscape	<ul style="list-style-type: none"> <i>The Panel note that no communal open space is provided. This is accepted on the basis that the items below are addressed.</i> <i>The current basement egress stair arrangement dominates the street frontage and creates an uncomfortable interface with the north-west ground floor apartment. Reconsider the arrangement of the egress stairs so as to maximise the</i> 	<p>Given the significant areas of private open space, in excess of the minimum requirement, Council is satisfied that the lack of communal space is acceptable.</p> <p>The basement egress along the western boundary is required to facilitate compliance with Fire Safety provisions and the National Construction Code (NCC). The stairs have shifted to the north to maximise</p>

Principle	Panel's Comment	Planning Comment
	<p><i>outdoor courtyard of the ground floor apartment. The Panel also question the need for dual stair access to the basement.</i></p> <ul style="list-style-type: none"> <i>The Panel note that no street trees are proposed to be replaced. A new street tree or a similar species to the existing should be provided to the south of the driveway</i> <i>Clarify the deep soil calculations, minimum width in ADG = 3m and DCP = 2m. The Panel note that deep soil zones should exclude structures</i> <i>Review the extent of and detailing of the garden retaining walls to the rear in order to maximise connected soil zones. The current arrangement creates compartmentalized soil widths that will inhibit overall tree growth and health</i> 	<p>the area of the outdoor courtyard for the ground floor unit.</p> <p>Council's Tree Management officer reviewed the application and recommended conditions of consent to require the replacement of the street tree.</p> <p>The amended application includes a continuous 2m deep soil strip along the south-eastern and further amendment to the north-western side to increase the extent of continues deep soil, except for the section that is to accommodate the fire stair. This is in addition to the deep soil areas within the rear yard, which have been amended reduce the extent of retaining walls. Overall, the site provides in excess of the minimum requirements for deep soil.</p>
6. Amenity	<ul style="list-style-type: none"> <i>View loss analysis required for rear neighbours</i> <i>The Panel acknowledges that the strategy of "excluded floor space" being large service zones on level 1 in the street facing façade, partially ventilated communal circulation space and the extensive 2 level double height spaces as excluded floor space is employed to boost the bulk of the building to maximise ocean views from the upper levels requires further analysis. The Panel is concerned that once the maximized bulk is approved with any voids, further applications seeking to infill these spaces would constitute an exceedance of FSR.</i> 	<p>The amended application included a VIA as requested by Council. The outcome of the assessment is considered in more detail in Section 2.1.3 below.</p> <p>The services zone on level one has been removed from the plans. The proposal complies with the maximum FSR and height of buildings development standards including the 30% uplift sought under SEPP (Housing) 2021. As above, a condition of consent is recommended to ensure the building envelope is retained as approved.</p>
7. Safety	<ul style="list-style-type: none"> <i>No comments</i> 	<p>Council is satisfied that the proposal meets the intent of this principle.</p>
8. Housing Diversity and Social Interaction	<ul style="list-style-type: none"> <i>No comments</i> 	<p>Council is satisfied that the proposal meets the intent of this principle.</p>

Principle	Panel's Comment	Planning Comment
9. Aesthetics	<ul style="list-style-type: none"> The panel is impressed by the composition, resolution and detailing of the proposal. 	Noted.

Apartment Design Guide

Clause 149 of SEPP (Housing) 2021 requires that development control plans (DCPs) cannot be inconsistent with the ADG in respect of the following:

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 3** of this report.

Table 3: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	Partial, acceptable on merit	See below the table for discussion.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter 	Yes	<ul style="list-style-type: none"> Eight of the 11 units (73%) receive at least two hours mid-winter. All non-compliant units are provided with large, glazed doors to the south facing private open space to maximise the extent of daylight access in mid-winter in accordance with the ADG.

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	No	
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects and two of the units across ground and first floor levels at the rear are double level units. In this regard, 100% of the units can be naturally cross ventilated. <p>The proposal uses a combination of full height openable doors, slot windows, skylights and voids to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 	Yes	<p>The ceiling heights within all units comply with the minimum requirement.</p> <p>Large voids and double height spaces are provided at the rear of the ground floor units to maximising internal amenity.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room</p>	Yes	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable.</p> <p>The proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>All robes are a minimum of 1.8m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth 	Yes	<p>100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Ground level, min 15m² & 3m depth 		<p>The balconies and courtyards are accessed from the main living areas and bedrooms and either north for the rear facing units and south for the front facing units.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Screens or solid side walls are provided to enhance privacy.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	A maximum of four units are accessed off the circulation core on level two of the proposal.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each parking space. The storage provided meets the requirements and objectives of the ADG. Condition imposed to ensure compliance in this respect.

The following is a detailed discussion of the issues identified in **Table 3** above.

Separation Distance

The front section of the proposed building has a reduced side setback compared the rear section of the building. For the purposes of measuring separation distances, the measurement is taken from the buildings edge to the boundary.

Across each level, with the exception of level four, the proposal is setback from the east and west side boundaries by 3m at the front and 4.5m at the rear. The fourth floor level is setback 6m from the side boundaries and 8.4m from the rear boundary (measured from the edge of the rear balcony planter) and 13m from the rear glazing line to the rear boundary. In addition, side elevation windows would be fitted with privacy screens to manage potential overlooking and privacy concerns, whilst maintaining cross ventilation.

The proposed rear facing balconies are set within the envelope of the building and comprise landscaped planter boxes from level two and above. There would be some overlooking to the north as a result of the orientation however the properties at the rear (fronting Brighton Boulevard) currently overlook the subject site and others in the vicinity, which is somewhat unavoidable due to the topography of those sites and height of buildings.

The proposal provides varied separation distances to the side boundaries across each of the levels, responding to the articulation of the built form and the distance separating the site and neighbouring properties. Given the application is across two currently separate lots, the proposed development provides greater side setbacks than the existing buildings on the site. In addition, if the sites were to be developed separately, it is unlikely that setbacks could be achieved to the extent proposed under the application. On balance, the proposed separation distances and setbacks are considered acceptable.

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

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

Table 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	N/A	The proposal complies with the SEPP (Housing) 2021 Height of buildings development standard, as set out in Table 1 above.
4.4 Floor space ratio and • 0.9:1 (859.32m ²)	N/A	The proposal complies with the SEPP (Housing) 2021 FSR development standard, as set out in Table 1 above.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is within a Class 5 acid sulfate area. The proposed works are not likely to disturb acid sulfate soils and may be managed through Council's standard conditions of consent.
6.2 Earthworks	Yes	Excavation is proposed on the site to accommodate the new two level basement garage. A Geotechnical Report was submitted with the application, which considers ground conditions and provides recommendations including dilapidation surveys to be undertaken for items within the zone of influence. A condition of consent is recommended to require the works to be undertaken in accordance with the findings and recommendations of that report.
6.14 Waste minimisation and recycling	Yes	The proposal includes a dedicated waste storage area at basement level, which is an

Provision	Compliance	Comment
		appropriate size to enable the appropriate management of waste that would be generated by future occupants of the development. The requirements of the clause have been satisfied.
6.15 Stormwater Management	Yes	The proposal was accompanied by a conceptual stormwater management plan. Conditions of consent are recommended to require the stormwater management plan to be amended with more detail in accordance with the Waverley Council Water Management Technical Manual. The requirements of the clause have been satisfied.
6.17 Affordable housing contributions	Yes	The application was referred to Council's Strategic Planning team to assess against the affordable housing contributions clause. A condition of consent is recommended to require the applicant to make monetary contribution for the purposes of affordable housing in accordance with the Waverley Affordable Housing Contribution rates.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 5: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	The proposal includes a waste storage area at basement level. given the gradient within the basement is 1:8, motorised device to assist bin movements between the waste storage area and the collection point is required. A condition of consent is recommended. The application provides the appropriate number of bins.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	<p>A BASIX Certificate was submitted with the application, setting out energy efficiency and water conservation targets as required under the SEPP.</p> <p>The proposal incorporates passive design, providing openings to all facades with good cross ventilation and solar penetration. The plans indicate the provision of ceiling fans in habitable rooms.</p>

Development Control	Compliance	Comment
		A condition is included in the recommendation stating that gas should not be used for all cooktops, ovens and heating and to provide ceiling or wall mounted fans in all habitable rooms.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	<p>The application proposes removal of eight trees, one of which has now been removed since the Arborist report was submitted. Notwithstanding, Council's Tree Management Officer raised no objection to the application and recommended that the street tree that was approved for removal under DA-168/2023 be replaced with a <i>Cupaniopsis anacardioides</i> (Tuckeroo).</p> <p>The applicant's Statement of Environmental Effects (SEE) requests removal of a further street tree, noting that the tree is a species with irritant qualities. The tree is identified as a Tuckeroo in the Arborist Report and identified for retention. A condition of consent is recommended to permit the removal of seven trees as part of the application. Appropriate replacement trees, shrubs and plants are proposed in the landscape plan.</p> <p>The amended landscape plan replaced <i>Magnolia</i> 'Teddy Bear' with an appropriate native species. The landscape plan proposes extensive planting at ground floor level and provision of deep soil landscaped area, capable of supporting the planting of mature tree species.</p> <p>In addition, the site is adjacent to an identified habitat corridor. A condition of consent is recommended to require the landscape plans comply with the habitat corridor controls.</p>
5. Water Management	Yes	Council's Stormwater Engineer reviewed the application and raised no objections subject to the recommended conditions of consent.
6. Accessibility and Adaptability	Yes	A BCA and Access Report was submitted with the application, which concludes that the proposed design is capable of complying with the relevant access requirements under the BCA. Two units are identified adaptable, and all units are designed to meet Silver Liveable standards.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access	Yes Yes Yes Yes	There would be no loss of on-street parking as the proposal includes closing the existing vehicle crossing and replacing with a new crossing to suit the configuration of the basement entry. A condition of consent is recommended to require

Development Control	Compliance	Comment
7.2.2 Parking Rates <i>Maximum parking rate:</i> <ul style="list-style-type: none"> <i>Residential: 14 spaces</i> <i>Visitor: 2 spaces</i> 7.2.5 Motorcycle Parking <i>Resident (including visitor): 5</i> 7.2.6 Bicycle Parking <i>Resident: 11</i> <i>Visitor: 2</i> 7.4 Pedestrian/Bicycle Circulation and Safety 7.8 Electric Vehicle Charging Points	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>these works to be done to minimise the loss of on-street parking.</p> <p>The subject site is located within Parking Zone 2.</p> <p>The driveway crossing is acceptable, subject to a separate application being made for these works post consent.</p> <p>The development proposes 14 off-street parking spaces, including two accessible and two visitor spaces. The number of residential parking spaces complies with the maximum control. A condition of consent requiring the allocation of three parking spaces to the affordable units is recommended in the conditions of consent.</p> <p>The basement provides five motorcycle spaces, including visitor spaces, which complies with the control.</p> <p>Bicycle parking for 11 bikes (residential) and two visitor spaces is provided at ground floor level to provide direct access from the entry lobby to the parking.</p> <p>There are three electric vehicle car charging points, one in basement level two and two in basement level one.</p> <p>The off-street parking arrangement for vehicles and bicycles is acceptable.</p>
8. Heritage	Yes	The site is not heritage listed but is located opposite the Bondi Beach Urban Conservation Area. The site is also opposite local heritage items (I86) Inter-war Art Deco style RFB. The proposal is well resolved with significant planting and sympathetic materials and finishes. The proposal is not anticipated to impact on the heritage significance or value of the heritage items opposite the site or the urban conservation area.
9. Safety	Yes	Satisfactory.
11. Design Excellence	Yes	The DEAP noted general support for the skilful design, neutral tones, textured finishes and detailing as well as the hard-wearing low maintenance coastal appropriate materiality. Council notes that whilst the proposal introduces a higher density to the streetscape, the design is of a high quality and consistent with the desired future character of the area and is considered to achieve design excellence.

Development Control	Compliance	Comment
13. Excavation	Yes	The basement levels are set in 1.5m from the western boundary, 2m from the eastern boundary and 4.8m to 5.2m from the rear boundary. As set out above, a Geotechnical Report was submitted with the application, including recommendations for the proposed works. A condition of consent is recommended to require the works to be undertaken in accordance with the findings and recommendations of that report.

Table 65: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 	Yes	The site has a frontage of 24m and complies with the control.
2.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/12.5m – 9.5m 	No, acceptable on merit	See below the table for further discussion.
2.3 Setbacks		
2.3.1 Street setbacks	Yes	The proposal is appropriately setback from the street, providing a greater setback than the predominant front building line setback.
<ul style="list-style-type: none"> Consistent street setback 		
2.3.2 Side and rear setbacks		Refer to Part 3F of the ADG discussion on Separation Distance.
<ul style="list-style-type: none"> Minimum side setback: 1.5-2.5m 	Yes	
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes	The proposal includes 1.5m wide deep soil zone along the majority of the eastern side boundary and 2m along the western side boundary. The proposal is setback 6m from the rear boundary and 3m of which is deep soil.
<ul style="list-style-type: none"> Deep soil along side boundary min 2m wide 	Partial	
2.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m 	Yes	The building has a maximum length of along the street of 16.4m.
<ul style="list-style-type: none"> Façade to be articulated 	Yes	The building façade as it presents to the street, side and rear elevations is well articulated and incorporates varied materials, finishes and landscaped elements to soften the built form.
<ul style="list-style-type: none"> Maximum RFB depth: 18m 	No, acceptable on merit	The building has a maximum depth of up to 29.4m from first floor level and above, measured from the edge of front balcony line to the rear balcony line. The proposed depth is reasonable, given the

Development Control	Compliance	Comment
		extent of rear setbacks and articulation of the built form.
2.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	<p>Yes</p> <p>Yes</p>	<p>The proposal presents a contemporary architectural style to the streetscape but is reflective of an emerging architectural style in the locality.</p> <p>The external finishes respond appropriately to the streetscape context and character of the area.</p>
2.7 Fences and walls		
<p><u>Front fence:</u></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 <p><u>Side fence:</u></p> <ul style="list-style-type: none"> Maximum height: 1.8m <p><u>Rear fence:</u></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>Yes</p>	<p>The proposed front fence has a maximum height of 1.2m, with openings for pedestrian access. The fire hydrant is concealed by a higher section of fence on the western side.</p> <p>Side and rear fencing will be a maximum height of 1.8m, consisting of retaining walls and fence above.</p>
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The entry path to the site is accessible and located in the centre, between unit G.01 and bicycle parking/ramp to basement. The entry is appropriately located to respond to the pattern of site access within the street.</p> <p>It is separate to the vehicular entry, which is located on the eastern side and will be visible, and safe.</p>
2.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 286.44m² 50% of the above is to be deep soil: 143.22m² 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal includes approximately 348m² of landscaped area, inclusive of the landscaped planters on the upper floor levels and approximately 165.5m² of deep soil zone.</p>
2.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 143.22m² Minimum dimensions: 6m x 6m 	<p>No, acceptable on merit</p>	<p>The proposal does not comprise space dedicated solely to communal open space. There are some common garden spaces at the front and sides of the building. While these areas are communal,</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 30% of communal area must receive three hours of sunlight Residential flat building and shop top housing may locate communal open space on rooftops subject to amenity impacts. 		<p>they are not consolidated, do not receive solar access or comply with the minimum dimensions.</p> <p>Notwithstanding, each unit comprises adequate allocation of private open space, in the form of a front and /or rear balconies, and yard space at ground floor level, and front and rear balconies on the fourth roof level. In addition, the location of the site and proximity to recreational opportunities, limits the need for communal open space. Accordingly, the absence of 'useable' communal open space in this instance is acceptable.</p>
2.11 Private Open Space - REFER TO PART 4E OF THE ADG		
2.12 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 	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>	<p>The proposed basement parking is integrated into the design of the development, with the vehicular access ramp located on the eastern side and largely concealed from the street frontage.</p> <p>The ramp provides one x 2 way vehicle access.</p> <p>The driveway entry has been revised to avoid conflicts with the existing light pole at the front of the site and a visual splay is provided at the driveway entry to increase visibility of pedestrians.</p> <p>Deep soil zones are provided along the side setbacks in accordance with the control.</p>
2.13 Solar access and overshadowing - REFER TO PART 4A OF THE ADG		
<ul style="list-style-type: none"> New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June 	<p>Yes</p> <p>Yes</p>	<p>The proposal would not reduce solar access to solar collectors on neighbouring properties by more than 2 hours in mid-winter.</p> <p>The submitted shadow diagrams demonstrate that the proposal would cast additional shadow to the northern elevation and side setbacks of No. 236, No. 238 and No. 238 Campbell Parade, opposite the site between 9am and midday on 21 June. Between midday and 3pm, the proposal would shadow the road reserve, the western elevation and roof of No. 92 Ramsgate Avenue.</p> <p>Notwithstanding the additional shadow impact, the proposal complies with the control.</p>
2.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design 	See below	The amended proposal would give rise to view impacts. See below the table for further discussion.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface</i> <i>Views from public spaces to be maintained</i> 		Views form public spaces would be unaffected by the proposal.
2.15 Visual privacy and security		
<ul style="list-style-type: none"> <i>Dwellings to be orientated to the street with entrances and street numbering visible</i> <i>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</i> <i>Privacy be considered in relation to context density, separation use and design</i> <i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development</i> 	<p>Yes</p> <p>Acceptable on merit</p> <p>Yes</p> <p>Yes</p>	<p>Units at the front of the development are orientated to the street. The entrance to the building is centrally located site and accessed via open gallery spaces enabling passive surveillance.</p> <p>The proposal includes balconies facing the front and rear of the site, comprising edge planting to minimise opportunities for overlooking of the ground floor unit and neighbouring properties.</p> <p>As discussed, the proposal would give rise to a degree of overlooking given the increase in density on the site and the inclusion of elevated balconies. There will also be some overlooking of upper levels to the ground floor unit however the extent of this has been minimised as far as practicable, with planters and recessed balconies within the envelope of the building to reduce overlooking across side boundaries. Privacy screens are proposed on side facing windows.</p>
2.16 Dwelling size and layout - REFER TO PART 4D OF THE ADG		
2.17 Ceiling - OR REFER TO PART 4C OF THE ADG		
2.18 Storage - REFER TO PART 4G OF THE ADG		
2.19 Acoustic privacy		
<ul style="list-style-type: none"> <i>Internal amenity by locating noisy areas away from quiet areas</i> 	Yes	The proposal has been designed to maximise acoustic privacy and amenity for future residents and neighbouring dwellings as far as practicable. There is a maximum of four units accessed from level two, and less on the other floors therefore the extent of noise transmitting between units is considered minimal.
2.20 Natural Ventilation - REFER TO PART 4B OF THE ADG		
2.21 Building services		
<ul style="list-style-type: none"> <i>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations,</i> 	Yes	Building services have been integrated into the design and provided at basement level, including waste storage room, communications and mechanical /hydrant sprinkler services and AC plant allocated within the envelope at level one.

Development Control	Compliance	Comment
<p><i>down pipes, plant rooms, satellite/communications structures</i></p> <ul style="list-style-type: none"> <i>Outdoor Communal clothes drying area to be provided</i> <i>Plant rooms away from entry communal and private open spaces and bedrooms.</i> <i>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge.</i> <i>The maximum volume permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the equipment for maintenance.</i> 	<p>Acceptable</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The site does not comprise outdoor clothes drying; however, each residential unit comprises a laundry and space for clothes drying.</p> <p>The main plant equipment is provided basement level. Water and gas meters are included in the front setback adjacent to the stair access to the basement. Water and gas meter and electrical services are provided in the same location across each level of the development and are screened.</p> <p>The roof comprises the lit overrun which will be largely concealed from the street. There are no other services provided at roof level.</p> <p>The basement levels are appropriate for the size of the development. The plant and comms rooms are appropriately scaled.</p>

Table 67: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.2 North Bondi		
<p>Desired Future Character Objectives</p> <ul style="list-style-type: none"> Maintain streetscape rhythm in building frontages Improve amenity on site and adjoining sites Minor alterations in the roof space 	Acceptable	<p>The proposal is one of a number of new developments in the streetscape, that introduces a contemporary built form setback. The proposal includes an increased front and side setbacks and is considered to respond to the varied streetscape rhythm.</p> <p>The proposal will provide good amenity for future occupants of the site. The proposal would give rise to view impacts, for a number of properties located at the rear, resultant from the increased height and scale on the site however the proposal complies with the permitted height and FSR under SEPP (Housing) 2021 and therefore view impacts</p>

		<p>are unavoidable (see below the table for further discussion).</p> <p>The proposal is for a new development and does not propose alterations to the roof space.</p>
<p>Controls</p> <p><i>(a) Communal landscaped gardens are required within the front setback.</i></p> <p><i>(b) Private open space is permitted to encroach 2.5m into communal landscaped front setback provided the front setback is a minimum of 6m from the street boundary.</i></p> <p><i>(d) Buildings should have pitched roofs with red tiles in keeping with the existing character of the area.</i></p> <p><i>(f) The established patterns of materiality and colour where there are existing rows of consistency along a street are to be maintained.</i></p>	<p>No, acceptable on merit</p> <p>N/A</p> <p>No, acceptable on merit</p> <p>Yes</p>	<p>The proposal includes a landscaped front setback on the western side which is for the exclusive use of the ground floor unit. The eastern and side and part of the western side setback comprises common garden space. This approach is appropriate in this instance, given the number of units in the development and the generous elevated private open spaces provided to each unit.</p> <p>The proposal is for a flat roof, which is in keeping with a number of new developments in the streetscape, and to the rear of the site on Brighton Boulevard. The flat roof design assists in minimising the extent of view impacts particularly for sites to the rear. The flat roof design is considered appropriate in this instance.</p> <p>As noted above, there are a number of similar developments emerging in the streetscape, with similar architectural features and resolution. The proposal provides high quality materiality and finishes and landscape design and is acceptable.</p>

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

Wall Height

The proposal has a maximum wall height of approximately 13m, varying across the site, owing to the change in levels, measured from the existing ground level to the top of the parapet that sits below the recessed fifth storey level behind.

The wall height does not comply with the maximum wall height control, 9.5m under the Waverley DCP 2022. Given the permitted height of the proposal utilising the 30% uplift under SEPP (Housing) 2021, the wall height control in this case is immaterial, because the SEPP provisions override the local development control plan provisions. Notwithstanding, the maximum height of the proposal is at the point of the lift overrun which extends 690mm above the parapet, with a maximum height of 16.24m, while the parapet sits below the maximum permitted height, at 16.09m.

The applicant provided Council with a detailed height calculation methodology, utilising the site survey overlaid with the architectural plans to assist in determining the precise height of each element. The height of the development has been measured utilising this method.

Given the above, the wall height noncompliance is acceptable in this instance.

View impacts

Council received a number of submissions from surrounding residents with respect to view sharing and view loss in relation to the proposed development. Council subsequently requested a VIA be prepared and submitted considering the views currently obtained from impacted properties and those that access was provided, in accordance with the NSW LEC, *Tenacity v Warringah Council* [2004] NSWLEC 140, and the four steps in assessing view affection:

1. *Assessment of the views affected*
2. *From what part of the property are the views obtained?*
3. *The extent of the impact*
4. *The reasonableness of the proposal.*

The VIA prepared by Urbaine Design Group, dated 10 April 2025, was undertaken from a number of properties located to the rear of the subject site, following a letter drop to the most likely affected residents. The VIA was based on photos taken from the following properties and several virtual site photos utilised where access was not provided to match selected viewpoints (VPs):

- No. 35 Brighton Boulevard, Bondi Beach;
- No. 41 Brighton Boulevard, Bondi Beach;
- No. 43 Brighton Boulevard, Bondi Beach;
- No. 45 Brighton Boulevard, Bondi Beach;
- No. 51 Brighton Boulevard, Bondi Beach;
- No. 53 Brighton Boulevard, Bondi Beach;
- No. 55-57 Brighton Boulevard, Bondi Beach, including Units 9 and 10;
- No. 59 Brighton Boulevard, Bondi Beach (unit number not identified); and
- No. 63 Brighton Boulevard, Bondi Beach, including Unit 6.

Council undertook a site visit on 14 May 2025, of the properties that requested an inspection following notification of the VIA, to inspect the views currently obtained from the impacted properties and to verify the accuracy of the images used to inform the VIA. Council also visited two additional properties not included in the VIA, No. 45A Brighton Boulevard and No. 47 Brighton Boulevard, Bondi Beach. Council confirms that the images presented in the VIA reflect the views currently obtained from these properties. The views presented are broadly representative of the view impact from the rear across the most impacted properties.

In addition, the VIA includes those properties that provided access to Urbaine to obtain photos. Some additional VPs have been considered using a virtual camera where access to the property was not possible. These views are identified below as virtual VPs. Council visited two properties that were not included in the VIA, No. 45A Brighton Boulevard and No. 47 Brighton Boulevard. The view impact on these properties is consistent with the impacts assessed on other properties (see below).

Urbaine also sent a letter to the owner of No. 8/55-57 Brighton Boulevard, Bondi Beach, with an invite for photography and assessment. It is understood a response was not provided. Notwithstanding, Council received a submission from the property owner raising concerns with view impacts from the east facing balcony and roof terrace. The VIA considered Units 9 and 10 within No. 55-57 Brighton Boulevard and obtained photographs of the roof terrace (see **Figure 17** and **Figure 18**). The photographs and positioning of the balcony and roof terrace in relation to Unit 8 indicate that some ocean views would be retained east of the proposed development, however there would be view loss directly south of the proposal.

The following provides an analysis of view impact from affected properties, including photomontage images of the most representative impacted views as considered in the VIA, including the current views and the proposed development, followed by an assessment of the reasonableness of the proposal.

No. 35 Brighton Boulevard

The virtual site photo is taken of the likely VPs from the rear of the upper floor level southeast facing balcony. Private static views are obtained toward the subject site and across the rooflines of the houses along northern edge of Ramsgate Avenue. There is a view corridor between the houses, towards North Bondi and ocean view to the southeast. The view toward the subject site will be largely hidden behind neighbouring rooftops.

The VIA concluded the proposal would result in the loss of a small section of ocean view with views to the south of the proposal being retained (see **Figure 6**).

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Low to medium.*
- *View location: Upper-level balcony - secondary living area.*
- *Extent of impact: Minor.*



Figure 5: Upper floor terrace current standing view (VP 12)



Figure 6: Photomontage of the proposal (VP 12)

No. 41 Brighton Boulevard

The view from this property towards the subject site is from an upper-level southeast east facing window towards of the neighbouring property. The proposal will be situated behind the roof of the neighbouring

property. The VIA concluded the proposal will not be visible from this location and therefore the extent of impact is nil.

No. 43 Brighton Boulevard

The virtual site photo is taken of the likely VP from an upper-level southeast facing window. Private static views are obtained toward the subject site and across the rooflines of the houses along the northern edge of Ramsgate Avenue. There are ocean view glimpses between houses, towards the southern ridgeline of Bondi and a small ocean glimpse to the southeast. The view toward the subject site will be largely hidden behind neighbouring rooftops.

The VIA concluded the proposal would result in the loss of part of the filtered ocean view and sky view above this, obtained across several side boundaries (see **Figure 8**).

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Medium.*
- *View location: Upper-level - living space.*
- *Extent of impact: Minor.*

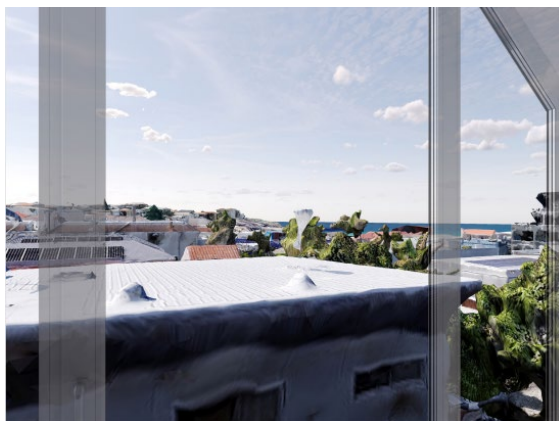


Figure 7: Upper-level window current standing view (VP 10)

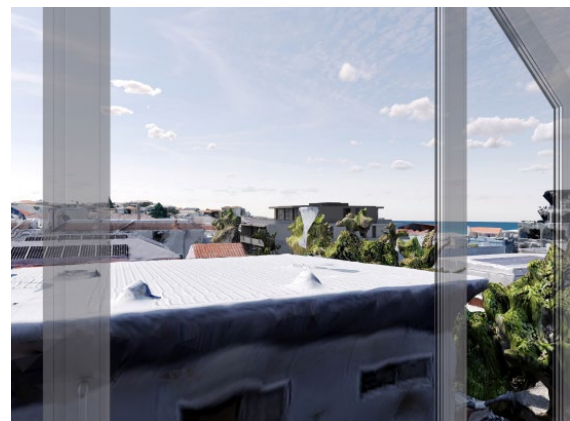


Figure 8: Photomontage of the proposal (VP 10)

No. 45 Brighton Boulevard

Ocean glimpse views are obtained from a standing position, 1m from the window on the upper level terrace within the property. The view is a private static view, facing east and comprises a small area of ocean and horizon visible across side boundaries with rooftops of adjacent residences in the immediate foreground. The view as presented below is obscured by the louvred screen.

The VIA concluded the proposal would result in loss of a side ocean view, and the ocean view would be impacted in this direction. A small section of ocean view would be retained to the south of the proposed development (see **Figure 10**).

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Medium*
- *View location: Upper level, side Balcony - secondary living area.*
- *Extent of impact: Moderate.*



Figure 9: Upper level terrace current standing view (VP 05)



Figure 10: Photomontage of the proposal (VP 05)

No. 51 Brighton Boulevard

Ocean glimpse views are obtained from a standing position, 1m from the balustrade on the upper level balcony within the property. The view is a static private view, facing east and in the immediate foreground comprises north facing rear facades of two storey properties along Ramsgate Avenue and Campbell Parade further to the south and southeast. The midground view is obscured by several mature palm trees.

The VIA concluded the proposal would result in the loss of ocean glimpse views obtained across several side boundaries (see **Figure 12**). A small section of the southern headland (Mackenzie's Point) may be retained under the proposal.

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Low-to-Medium*
- *View location: Balcony - outdoor living space. Secondary living area.*
- *Extent of impact: Moderate.*



Figure 11: Upper level balcony current standing view (VP 04)



Figure 12: Photomontage of the proposal (VP 04)

No. 53 Brighton Boulevard

Ocean glimpse views are obtained from a standing position on the upper-level terrace of the property. The view is a static private view, facing south and southeast towards Bondi Beach, overlooking rooftops

of properties to the rear facing Ramsgate Avenue and Campbell Parade. The view is obtained across side boundaries. The proposed development is situated in the centre of the view.

The VIA concluded proposed development would result in the loss of views to the east (see **Figure 14**).

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Medium.*
- *View location: Upper-level terrace. Secondary living space.*
- *Extent of impact: Moderate.*



Figure 13: Upper level balcony current standing view (VP 06)



Figure 14: Photomontage of the proposal (VP 06)

No. 55-57 Brighton Boulevard - Unit 9

Private static views are obtained from the kitchen, living /dining areas and rear balcony. The property also has access to a roof terrace that is demarcated for use by Unit 9 and 10 within the block, where views are obtained towards Bondi Beach and eastward to the ocean. Council understands the roof terrace is only accessible to Units 9 and 10. The roof terrace was not included in the VIA (the image in the VIA is captioned as being taken on the upper roof terrace, however based on Council's site inspection the image is of the rear balcony of the property). Notwithstanding, the images obtained and assessed in the VIA represent the worst-case scenario of view impact for this property.

The image is taken 1m from the rear glazing line at standing height, where views are obtained towards Bondi Beach, rooftops of residential properties along Ramsgate Avenue and Campbell Parade and further to the southern headland (Mackenzie's Point), Clovelly, Shark Point and beyond. Further south within the observable range is Maroubra Beach and Malabar Headland.

The VIA concluded that ocean, headland and horizon views would be removed by the proposed development, with a view corridor remaining towards the ridgeline between Bondi and Tamarama, in between the proposal and the development at No. 232-234 Campbell Parade (see **Figure 15** and **Figure 16**). From the roof terrace, current views to the north of the proposed development would be partially retained due to the elevated height of the terrace (see **Figure 17** and **Figure 18** below) however the views to the southern headland and beyond would be largely lost as a result of the proposed development.

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Medium (significantly obscured).*
- *View location: Upper-level living room balcony - primary living space.*
- *Extent of impact: Severe.*



Figure 15: Unit 9 balcony current standing view with No. 232-234 Campbell Parade west (VP 01)



Figure 16: Photomontage of the proposal (VP 01)



Figure 17: Current view from roof terrace towards subject site, accessible to Units 9 & 10 (not included in VIA)



Figure 18: Current view from roof terrace towards subject site, accessible to Units 9 & 10 (not included in VIA)

No. 55-57 Brighton Boulevard - Unit 10

Private static views are obtained from the kitchen, living /dining areas and rear balcony. As above, the property has access to the roof terrace for use by Unit 9 and 10. As above, views from the roof terrace are obtained towards Bondi Beach and eastward to the ocean.

The image is taken 1m from the rear glazing line at standing height at the balcony and kitchen window, where views are obtained towards Bondi Beach, rooftops of residential properties along Ramsgate Avenue and Campbell Parade and further to the southern headland (Mackenzie's Point), Clovelly, Shark Point and beyond. Further south within the observable range is Maroubra Beach and Malabar Headland.

The VIA concluded that ocean, headland and horizon views would be removed by the proposed development, with a view corridor remaining towards the ridgeline between Bondi and Tamarama, in

between the proposal and the development at No. 232-234 Campbell Parade (see **Figure 15** and **Figure 16**). From the roof terrace, current views to the north of the proposed development would be partially retained due to the elevated height of the terrace (see **Figure 17** and **Figure 18**) however the views to the southern headland and beyond would be largely lost as a result of the proposed development.

The VIA provided the following *Tenacity Assessment* summary (VP 03):

- *Value of view: Medium (significantly obscured).*
- *View location: Upper-level living room balcony - primary living space.*
- *Extent of impact: Severe to devastating.*



Figure 19: Unit 10 current standing view from balcony (VP 02)



Figure 20: Photomontage of the proposal (VP 02)



Figure 21: Current view from kitchen (VP 03)



Figure 22: Photomontage of proposal (VP 03)

No. 59 Brighton Boulevard - unit not identified

The virtual site photo is taken of the likely VP from the upper-level rear facing balcony. Private static views are obtained toward the subject site and across the rooflines of houses along the northern edge of Ramsgate Avenue. The view to the subject site is filtered through existing trees. The ocean glimpse view eastward is unaltered.

The VIA concluded that the proposal would impact district views to the southwest and the ocean view would remain unimpacted (see **Figure 23** and **Figure 24**).

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Moderate.*

- *View location: Upper-level balcony from bedroom - secondary living space.*
- *Extent of impact: Negligible to Minor.*



Figure 23: Virtual site photo - view from rear balcony (VP 08)



Figure 24: Photomontage of the proposal (VP 08)

No. 63 Brighton Boulevard - Unit 6

Private static views are obtained from the upper-level western rear facing balcony. The image is taken 1m from the rear glazing line at standing height, where views are obtained westward towards the rooftops of the existing buildings on the site. There are filtered views between neighbouring properties to the southern ridgeline of Bondi further south.

The VIA concluded that the proposal would result in view loss to the southwest and a small area of distant ridgeline behind the existing buildings and sky view (see **Figure 26**).

The VIA provided the following *Tenacity Assessment* summary:

- *Value of view: Low.*
- *View location: Upper-level balcony from main living room - primary living space.*
- *Extent of impact: Negligible to Minor.*



Figure 25: View from rear balcony (VP 07)



Figure 26: Photomontage of the proposal (VP 07)

Reasonableness of the proposal

The above indicates a varied extent of impact resulting from the proposed development across the properties considered in the VIA. Several properties would retain some ocean and district views at varying degrees of impact, depending on the proximity to the proposed development, including No. 35, 43, 59 and Unit 6/63 Brighton Boulevard, with No. 45 retaining a partial ocean view to the south and four properties, including Nos. 51, 53 and 55-57 (Units 9 and 10) Brighton Boulevard, experiencing full loss of ocean views. It is noted that the existing views obtained from these properties are heavily filtered by buildings and trees/vegetation and are not expansive views. Units 9 and 10 of 55-57 Brighton Boulevard would retain some ocean and district views from the roof terrace.

Ramsgate Avenue is subject to a maximum building height of 12.5m under the Waverley LEP 2012. Accordingly, whilst the proposal seeks to develop to the maximum height of 16.24m (inclusive of the 30% uplift for the provision of affordable housing), should the properties along Ramsgate Avenue be developed to the maximum height of 12.5m, a degree of view loss is likely to be experienced by properties at the rear. In addition, if the sites were to be redeveloped with two separate buildings to a compliant height of 12.5m, the setbacks and landscape opportunities would be reduced. The proposal provides increased side setbacks and a degree of articulation from the massing on the eastern and western sides of the proposal.

The amended proposal has been reduced in height to comply with the height of buildings development standard of 16.25m, proposing a maximum height of 16.24m under SEPP (Housing) 2021, measured from existing ground level (EGL) to the top of the lift overrun and a compliant FSR of 1.17:1. Accordingly, the amended proposal is considered reasonable as it complies with the key development standards and controls under SEPP (Housing) 2021 and Waverley DCP 2022. Accordingly, the amended application complies with the key development standards and is acceptable.

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 21 days between 20 November and 16 December 2024 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, including the VIA, the application was re-notified for 21 days between and 17 April and 14 May 2025.

Council received 34 separate email correspondence in relation to the application. Of the 34 emails received, 32 unique submissions were received objecting to the proposal. The remaining related to

request for additional time or general enquiries. A number of objectors provided multiple submissions, with some providing additional copies of their original submissions, as reflected in the table below:

Table 8: Submission details

Count	Property Address	Number of submissions
1.	70A Ramsgate Avenue, Bondi Beach	1 submission
2.	84 Ramsgate Avenue, Bondi Beach	1 submission
3.	86 Ramsgate Avenue, Bondi Beach	2 submissions
4.	92 Ramsgate Avenue, Bondi Beach	6 submissions
5.	9/35-39 Brighton Boulevard, Bondi Beach	1 submission
6.	45 Brighton Boulevard, Bondi Beach	2 submissions
7.	51 Brighton Boulevard, Bondi Beach	2 submissions
8.	53 Brighton Boulevard, Bondi Beach	2 submissions
9.	3/55-57 Brighton Boulevard, Bondi Beach	2 submissions
10.	8/55-57 Brighton Boulevard, Bondi Beach	1 submission
11.	9/55-57 Brighton Boulevard, Bondi Beach	2 submissions
12.	10/55-57 Brighton Boulevard, Bondi Beach	2 submissions
13.	13/65-75 Brighton Boulevard, Bondi Beach	1 submission
14.	18/65-75 Brighton Boulevard, Bondi Beach	1 submission
15.	23/65-75 Brighton Boulevard, Bondi Beach	1 submission
16.	4/236 Campbell Parade, Bondi Beach	1 submission
17.	10/236 Campbell Parade, Bondi Beach	1 submission
18.	2/2 Simpson Street, North Bondi	1 submission
19.	16 Stewart Street, North Bondi	1 submission
20.	30-34 Penkivil Street, Bondi	1 submission
21.	Address withheld	1 submission
22.	Address withheld	1 submission

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

- The proposal exceeds the height of buildings and FSR development standards under the Waverley LEP 2012.
- The proposal is inconsistent with the requirements of the ADG and design principles under SEPP (Housing) 2021.
- The height should be limited to three storeys and the upper levels should be removed. The additional levels are inconsistent with the street and surrounding area.
- Impacts on iconic views of Bondi Beach, Icebergs, the headland, Mackenzie's and Shark Point and the horizon towards Maroubra, resulting from the additional height.
- Loss of outlook and views that provide a connection to the coastal environment.
- The proposal does not achieve view sharing.
- Overshadowing to neighbouring properties and blocking of sunlight due to height.

- Traffic generation and parking impacts, a lack of adequate bus services and overcrowded public transport in the area.
- Bulk and scale impacts on streetscape character. Building envelope is overbearing.
- The proposed upper levels are incompatible with the current and desired future character of the area.
- Tree removal and subsequent impact on nature corridor.
- Lack of setbacks giving rise to privacy concerns.
- Overlooking from rear facing balconies and side elevation windows should be screened.
- Excavation of a two level basement will go below the water table and does not comply with the Waverley LEP 2012 or Waverley DCP 2022 controls relating to earthworks and excavation.
- Excessive excavation and vibration impacting on the structural integrity of adjacent properties.
- Lack of detail in the submitted Geotechnical Report.
- Support the provision of affordable housing however it appears tokenistic.
- Stormwater management concerns resulting from reduction in permeable area.
- The design includes voids, excessive plant and equipment space, excessive bike parking to distribute GFA across upper levels.
- Heritage impacts and loss of inter-war buildings.
- Noise impacts resulting from increased density.
- Inconsistency with the North Bondi Special Character Area controls.

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

Issue: Breach of procedural fairness with VIA only submitted after community pressure.

Response: Council requested a VIA in the first deferral letter sent to the applicant. Given the findings of that assessment and extent of view impact, Council renotified the application, in accordance with the *Community Engagement Strategy 2023*, to provide the directly affected residents an opportunity to review and comment on the VIA and other amendments made to the application.

Issue: Misleading and selective content in the VIA.

Response: The VIA is a technical assessment document applying the assessment criteria set out in the LEC Planning Principle *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. The methodology used for the assessment is described in detail in the VIA and is the accepted practice for these types of assessments.

Issue: Statutory noncompliance of the development and inconsistency with the objectives of the Act due to the withholding of assessment material until prompted by objectors, submission of misleading documentation and noncompliance with the local DCP requirements.

Response: The proposal is subject to the SEPP (Housing) 2021 provisions, which permits an uplift of 30% on height and FSR otherwise permitted under the Waverley LEP 2012. Accordingly, state planning policies are overarching and in the instance of inconsistency between a SEPP and LEP, the SEPP prevails.

Notwithstanding, the application has been assessed against all relevant policies, including the Waverley DCP 2012 (see **Table 6**), and the application largely complies with the relevant controls, and where variation is sought an assessment and justification provided.

Issue: The proposal will impact on property values.

Response: Property values and potential devaluation is acknowledged as an issue raised in a number of submissions however property valuation is not a planning matter for consideration under the Act.

Issue: Lack of details regarding the Housing Trust Plan and management of affordable housing.

Response: SEPP (Housing) 2021 requires the affordable housing component of the development to be managed by a Registered Community Housing Provider. A condition of consent is recommended to give this effect.

Issue: Construction impacts are not addressed.

Response: Conditions of consent are recommended to require preparation of a construction management plan, construction noise management plan and a soil and water management plan for approval prior to the commencement of construction. These plans are to be made available to Council upon request.

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 referral comments were sought:

3.1. Traffic and Development

The amended application was referred to Council's Traffic Engineer. No objections were raised subject to the recommended conditions of consent.

3.2. Stormwater

The application was referred to Council's Stormwater Engineer. No objections were raised subject to the recommended conditions of consent.

3.3. Tree Management

The amended application was referred to Council's Tree Management Officer. No objections were raised subject to the recommended conditions of consent.

3.4. Land information / GIS

The application was referred to Council's GIS team. No objections were raised subject to the recommended conditions of consent.

3.5. Waste

The amended application was referred to Council's Waste Management Officer. No objections were raised subject to the recommended conditions of consent.

3.6. Strategic Planning

Council's Strategic Planning Team reviewed the application and recommended an affordable housing contribution be paid to offset the loss of affordable housing on the site. A condition of consent is recommended to this effect.

3.7. Public Domain

The application was referred to Council's Public Domain and Assets team. Further geotechnical investigations were requested in the form of a full geotechnical report. No objections were raised subject to the recommended conditions of consent, including that the proposed development be undertaken in accordance with the recommendations in the revised Geotechnical Report.

3.8. Urban Design

The application was referred to Council's Urban Design team. No objections were raised subject to the recommended conditions of consent.

3.9. Sustainable Development

The amended application was referred to Council's Sustainable Development team. No objections were raised subject to the recommended conditions of consent.

4. CONCLUSION

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



5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be APPROVED by the WLPP subject to the conditions in Appendix A.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 17 March and 20 May 2025 and the MODA concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, and Jo Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
Alana Jelfs	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 10 June 2025	Date: 15 June 2025

Reason for WLPP referral:

1. Contentious development (10 or more objections)
2. Sensitive development:
 - (a) Development to which State Environmental Planning Policy (Housing) 2021 Chapter 4 (Design of residential apartment) applies and is more than 4 storeys in height

OFFICE USE ONLY

Planning Portal Data	
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	Yes (3 units)
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	Yes
Is the development located within an Urban Release area?	Yes
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No

Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																																								
1.	APPROVED PLANS AND DOCUMENTATION																																																																								
	The development must be in accordance with:																																																																								
	(a) Architectural Plans prepared by PBD Architects of Project No: 2217 including the following:																																																																								
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA002, Rev 03</td><td>Demolition Plan</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA004, Rev 03</td><td>Site Plan</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA100, Rev 03</td><td>Basement 2</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA101, Rev 03</td><td>Basement 1</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA102, Rev 03</td><td>Ground Floor Plan</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA103, Rev 03</td><td>Level 1</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA104, Rev 03</td><td>Level 2</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA105, Rev 03</td><td>Level 3</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA106, Rev 03</td><td>Level 4</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA107, Rev 03</td><td>Roof Pla</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA200, Rev 03</td><td>Elevation Sheet 1</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA201, Rev 03</td><td>Elevation Sheet 2</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA300, Rev 03</td><td>Section Sheet 1</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA301, Rev 03</td><td>Section Sheet 2</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA400, Rev 03</td><td>Finishes Schedule</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA701, Rev 03</td><td>Adaptable Unit 3.02</td><td>03.04.2025</td><td>11.04.2025</td></tr><tr><td>DA703, Rev 03</td><td>Adaptable Unit 4.01</td><td>03.04.2025</td><td>11.04.2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA002, Rev 03	Demolition Plan	03.04.2025	11.04.2025	DA004, Rev 03	Site Plan	03.04.2025	11.04.2025	DA100, Rev 03	Basement 2	03.04.2025	11.04.2025	DA101, Rev 03	Basement 1	03.04.2025	11.04.2025	DA102, Rev 03	Ground Floor Plan	03.04.2025	11.04.2025	DA103, Rev 03	Level 1	03.04.2025	11.04.2025	DA104, Rev 03	Level 2	03.04.2025	11.04.2025	DA105, Rev 03	Level 3	03.04.2025	11.04.2025	DA106, Rev 03	Level 4	03.04.2025	11.04.2025	DA107, Rev 03	Roof Pla	03.04.2025	11.04.2025	DA200, Rev 03	Elevation Sheet 1	03.04.2025	11.04.2025	DA201, Rev 03	Elevation Sheet 2	03.04.2025	11.04.2025	DA300, Rev 03	Section Sheet 1	03.04.2025	11.04.2025	DA301, Rev 03	Section Sheet 2	03.04.2025	11.04.2025	DA400, Rev 03	Finishes Schedule	03.04.2025	11.04.2025	DA701, Rev 03	Adaptable Unit 3.02	03.04.2025	11.04.2025	DA703, Rev 03	Adaptable Unit 4.01	03.04.2025	11.04.2025
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(b) Landscape Plan No. C001, C002, C003, C004, C005, C006, C007, C008 and documentation prepared by Bates Landscape, dated 06.03.2025 and received by Council on 14.03.2025																																																																									
(c) BASIX Certificate																																																																									
(d) Stormwater Details and documentation prepared by ITM Design dated 10.10.2024, and received by Council on 12.11.2024																																																																									
(e) Arboricultural Impact Assessment prepared by Botanics Tree Wise People Pty Ltd dated 12.06.2025, and received by Council on 12.11.2024																																																																									

	<p>(f) Access Report prepared by Building Innovations Australia Pty Ltd dated 11.10.2024, and received by Council on 12.11.2024</p> <p>(g) Traffic and Transport Management Plan prepared by CJP Consulting Engineers dated 03.10.24 and received by Council 12.11.2024 and Addendum Traffic Matters document dated 13 March 2025 and received by Council 14.03.2025</p> <p>(h) Schedule of external finishes and colours received by Council on 12.11.2024</p> <p>(i) The Site Waste and Recycling Management Plan (SWRMP) Part 1 12.11.2024</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The privacy screens provided on the east and west elevation windows are to be angled at 45 degrees to minimise overlooking across side boundaries and have a maximum separation of 125mm.</p> <p>Condition reason: To manage potential cross boundary concerns.</p> <p>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.</p>
3.	<p>MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP HOUSING 2021)</p> <p>The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.</p> <p>Condition reason: To ensure the approved design remains unchanged.</p>
4.	<p>GEOTECHNICAL INVESTIGATION REPORT</p> <p>The excavation works to construct the approved basement levels are to be undertaken in accordance with the findings and recommendations set out in the Geotechnical Investigation Report prepared by Rapid Geo dated 27.05.2025 and received by Council 30.05.2025.</p> <p>Condition reason: To ensure the works are undertaken in accordance with the submitted Geotechnical Investigation report.</p>

5.	<p>PUBLIC DOMAIN IMPROVEMENTS</p> <p>The public domain is to be upgraded along Ramsgate Avenue Street frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <ul style="list-style-type: none"> a) Road pavement b) Pedestrian footpath c) Kerb and gutter d) Vehicular crossing e) Stormwater infrastructure f) Landscape and street tree plantings g) Street lighting, and any associated TCS design h) Turfing <p>Condition reason: This is to ensure that the public domain is upgraded along the frontage of the development as required and in accordance with the DCP and PDTM.</p>
6.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which requires alteration due to works associated with the development, both internally and externally of the development boundary, must 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, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.</p> <p>Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities because of the development are as per utility providers requirements.</p>
7.	<p>ENCROACHMENTS INTO COUNCIL'S ROAD RESERVE</p> <p>Any proposed encroachments into council's road reserve are not supported and must be removed. Waverley Council opposes unauthorised encroachments, and they must be removed to ensure that no part of the building or its structure extends into public land beyond the private property boundaries of the development site. All structures must be retained within the private property boundaries.</p> <p>Condition reason: Under the Roads Act 1993, any encroachments from private property into public land and domain area are not allowed and must be removed. This is due to safety and liability related issues.</p>

8.	LANDSCAPED PLANTER DETAILS
	<p>The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the Waverley Development Control Plan 2022 including;</p> <ul style="list-style-type: none"> (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 B3 – 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 elevated landscaped planters are 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 planters is to be for servicing purposes only. <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p>
	Condition reason: To ensure the longevity of elevated landscaped planters.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
9.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifying Authority has been appointed, and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
10.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> (a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> (i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be

	<p>submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <ul style="list-style-type: none"> - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> (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 <u>full</u> cost of the development; or (iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development. <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
11.	<p>AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF THE WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012</p> <p>The Affordable Housing Contribution is as follows:</p> <ul style="list-style-type: none"> a) Pursuant to Clause 6.17 of the <i>Waverley Local Environmental Plan 2012</i> (Waverley LEP 2012) and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing. b) The contribution of \$ 208,890 payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any Occupation Certificate. This contribution amount has been calculated based on a total proposed residential gross floor area of 949.5m² (excluding affordable housing).

	Condition reason: The proposal requires a contribution in accordance with Clause 6.17 of the Waverley LEP 2012 and the Waverley Affordable Housing Contribution Scheme 2023.								
12.	<p>STREET TREE BOND</p> <p>Prior to the issue of any demolition or Construction Certificated, a bond of \$ 5000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of:</p> <ul style="list-style-type: none"> a) One (1) <i>Cupaniopsis anacardioides</i> (Tuckeroo) on the grass verge to the west of the existing driveway crossover. <ul style="list-style-type: none"> i. The sum will be forfeited to the Council at its discretion for a breach of these requirements ii. Street tree to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council iii. The \$5000 bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council. iv. If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited <p>The applicant must remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.</p> <p>Condition reason: To ensure street trees are maintained and protected.</p>								
13.	<p>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</p> <p>Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td><td>\$ 53,553.27</td></tr> <tr> <td>Transport project component</td><td>Nil</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$ 53,553.27</td></tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$ 53,553.27	Transport project component	Nil	Total housing and productivity contribution	\$ 53,553.27
Housing and productivity contribution	Amount								
Housing and productivity contribution (base component)	\$ 53,553.27								
Transport project component	Nil								
Total housing and productivity contribution	\$ 53,553.27								

	<p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>
14.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$ 242,000 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
15.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
16.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p>

	Condition reason: To ensure Council assessment fees are paid.
17.	<p>VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION</p> <p>The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>In accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
18.	<p>BASEMENT STORAGE</p> <p>The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the <i>Waverley Development Control Plan 2022</i>.</p> <p>Condition reason: To ensure adequate basement storage is provided.</p>
19.	<p>ADAPTABLE HOUSING</p> <p>A minimum of 20% of the apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.</p> <p>Condition reason: To ensure adaptable housing is provided.</p>
20.	<p>UNIVERSAL HOUSING</p> <p>Apartments in the development are to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupants over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i>.</p> <p>Condition reason: To ensure universal design features are provided.</p>

21.	HOARDING
	<p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
22.	EROSION & SEDIMENT CONTROL
	<p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
23.	DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION
	<p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
24.	ENGINEERING DETAILS
	<p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
25.	DILAPIDATION REPORT
	<p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings,</p>

structures or works and public land to the satisfaction of the Principal Certifying Authority. Detailed dilapidation surveys are to be carried out on all structures, buried services and infrastructure that falls within the zone of influence of the excavation. The zone of influence of the excavation is defined by a distance back from the excavation perimeter of twice the total depth of the excavation.

At minimum, the following properties are to be included:

- (a) 72 Ramsgate Avenue
- (b) 76 Ramsgate Avenue
- (c) 78 Ramsgate Avenue
- (d) 80 Ramsgate Avenue
- (e) 82 Ramsgate Avenue
- (f) 84 Ramsgate Avenue
- (g) 86 Ramsgate Avenue
- (h) 92 Ramsgate Avenue
- (i) 94-98 Ramsgate Avenue
- (j) 100-102 Ramsgate Avenue
- (k) 45 Brighton Boulevard
- (l) 45A Brighton Boulevard
- (m) 53 Brighton Boulevard
- (n) 55-57 Brighton Boulevard
- (o) 59 Brighton Boulevard
- (p) 61-63 Brighton Boulevard
- (q) 65-75 Brighton Boulevard
- (r) 232-234 Campbell Parade
- (s) 236 Campbell Parade
- (t) 238 Campbell Parade
- (u) 240 Campbell Parade

Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

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.

	<p>A copy of each report should be provided to the respective property owner who must be asked to confirm in writing that the report represents a fair assessment of existing conditions. The reports should be carefully reviewed prior to demolition and excavation.</p> <p>Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p> <p>Detailed dilapidation surveys are to be carried out on all structures, buried services and infrastructure that falls within the zone of influence of the excavation. The zone of influence of the excavation is defined by a distance back from the excavation perimeter of twice the total depth of the excavation.</p>
26.	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>Public infrastructure works must be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:</p> <p>a) The detailed design drawings to include the following:</p> <ol style="list-style-type: none"> i. Include cross-sections at approved intervals demonstrating a consistent 2.5% grade in the pedestrian pathway falling towards the road at all points across all frontage of the site. ii. Include long sections of the footpath, kerb and gutter, site boundary, driveway profile and road centreline showing the existing and proposed RL's, extending 10m either side of the development. iii. Levels along the property boundary with the public domain must either match existing OR maintain a longitudinal grade consistent with the neighbouring properties, at the discretion of Council, iv. Display the existing and proposed reduced levels (RL's) at each access point into the building. v. Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and rear property boundaries. vi. Show details of any transitions required beyond the boundaries of the site. vii. Include details and proposed locations of any street furniture and street trees. viii. Full details of awnings – complying with section 15.4 of the DCP. ix. Show all services and pit locations in the footpath area being orientated to align with the direction of travel with infill covers.

	<p>NOTE: Include the provision of infill lids where appropriate. Note that if any service lids are in poor condition that they must be replaced (in mixed use and residential areas. In Commercial areas they must be replaced with infill covers (with the relevant pavers).</p> <p>b) <u>Road Pavement</u>: The full renewal and reconstruction of asphalt pavement for half road width in Ramsgate frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council.</p> <p>c) <u>Footpath, Kerb and Gutter</u>: The existing footpath, kerb, and gutter traversing Ramsgate Street frontage is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.</p> <p>d) <u>Street Trees</u>: A minimum of two (2) street trees must be planted along Ramsgate Street frontage. For all the proposed trees within the Council verge, it is necessary to install appropriate tree pits, surrounds, and root cell barriers in accordance with the Waverley Council Public Domain Technical Manual. The chosen tree species and their placement must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Waverley Council is to be contacted at the time of installing the root cell barriers prior to planting the new trees. The trees are to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The tree species and planting location to be approved by Council. The chosen tree species and location shall not interfere with wheel swept path or obstruct the proposed vehicular crossing.</p> <p>All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer.</p> <p>e) Replenish and returf the existing Council verge for the full frontage of the development.</p> <p>f) <u>Streetlights</u>: New streetlighting serviced by metered underground power and on Multi-Function Poles (MFPs), must be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces for the Ramsgate Street frontage.</p> <p>Design plans must be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to lodgement of the scheme with Ausgrid for their approval.</p>
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	<p>g) 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.</p> <p>h) Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.</p> <p>i) The full public domain must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. • The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. • Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however, Council's title block shall not be replicated. • Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. • Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday). <p>Condition reason: This condition imposed is to ensure that the public assets within the public domain are upgraded in alignment with the LEP, DCP and/or PDTM.</p>
<p>27.</p>	<p>GROUND ANCHORS</p> <p>Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655. Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p>

	Condition reason: Under the Roads Act 1993, any proposed part of the structure extending beyond the private property must be reviewed and approved by the Roads Authority being Infrastructure Services Team, Waverley Council.
28.	<p>GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT</p> <p>The following geotechnical and hydrogeological risk management measures must be followed:</p> <ul style="list-style-type: none"> a) Geotechnical recommendations outlined in the Geotechnical Report prepared by Rapid Geo, Report ID: RG1254-GR-1-1 R1, dated 27/05/25 including further geotechnical investigation and mitigation measures, must be completed and complied with prior to the issue of a construction certificate. b) Prior to issuance of a Construction Certificate, a Construction Methodology Report (CMR) must be prepared and submitted for the review and approval of the Private Certifying Authority (PCA). A copy of the approval must be submitted to Waverley Council for the purpose of the record keeping. <ul style="list-style-type: none"> i. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience). ii. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements and any other relevant items. iii. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation). iv. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line. v. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances. vi. The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (Vi, max) or Maximum Peak Particle

	<p>Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: <i>Structural vibration – Part 3: Effects of vibration on structures</i>.</p> <p>vii. The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures.</p> <p>viii. The CMR must be submitted to the Principle Certifying Authority and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records.</p> <p>c) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).</p> <p>d) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.</p> <p>e) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.</p> <p>f) Prior to the issue of any Construction Certificate, if required based on groundwater investigations, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.</p> <p>g) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).</p> <p>h) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified</p>
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	<p>with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.</p> <p>Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'g' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable</p> <p>Any future recommendations from further geotechnical investigations must be adhered to.</p> <p>Condition reason: This condition imposed is to ensure that the development complies with all the geotechnical requirements and risk management measures specified by the applicant's engineers/experts</p>
<p>29.</p>	<p>GROUNDWATER ASSESSMENT</p> <p>Prior to the issuance of a Construction Certificate, the applicant must submit the following to the Executive Manager, Infrastructure Services (or delegate) for approval:</p> <p>a) A preliminary site hydrogeological investigation report prepared by a suitably qualified geotechnical engineer or hydrogeological professional. The report must:</p> <ul style="list-style-type: none"> i. Include results from at least two (single or dual occupancy) or four (larger than dual occupancy) groundwater monitoring bores installed on-site, or as advised by Council, (distributed across the site to capture groundwater flow direction and variation, including at the outer extents of the underground structure most likely to be impacted by groundwater) extending at least 5 meters below the proposed underground structure slab level and monitored for at least one month (standpipes or piezometers should be used to monitor groundwater levels, and soil and lithological logs must be recorded) ii. Clearly state whether groundwater is present and show the measured static groundwater level in each bore and in a site-wide groundwater contour plan in relation to the underground structure slab level. iii. Outline the potential need for dewatering during construction. iv. Comment on post-construction groundwater ingress and mitigation options: <ul style="list-style-type: none"> a. Fully tanked and waterproofed underground structure (if groundwater is identified within 5 meters of the slab level).; or b. Drained underground structure (if >5m above groundwater table). <p>b) If groundwater is likely to be intercepted by the proposed works, or the above tanking requirement is contested, a detailed hydrogeological assessment must be prepared by a suitably qualified geotechnical engineer or hydrogeological professional, providing detail on groundwater depth and seasonal variation (6-</p>

	<p>12 months minimum monitoring as advised by Council), groundwater flow direction and rate, hydraulic conductivity, water quality, and including a conceptual hydrogeological model.</p> <p>c) If groundwater interference is expected, a groundwater impact assessment is also required, assessing the short-term and long-term impacts of dewatering (if relevant) and evaluating potential effects on neighbouring properties due to settlement or subsidence, as well as on groundwater dependent ecosystems, and contaminant mobilisation. If the report cannot be provided, or if it indicates that the predicted highest groundwater level over a 50-year design life for the development cannot be confidently confirmed to be more than 2m below the base of the proposed underground structure slab level, the following measures must be implemented:</p> <ul style="list-style-type: none"> i. The underground structure must be fully waterproofed and tanked to prevent groundwater &/or seepage ingress. The design must ensure that the underground structure is capable of withstanding hydrostatic pressures without reliance on active or passive dewatering systems. ii. No subsoil drainage systems are to be installed around the perimeter of the underground structure walls or beneath the underground structure slab to prevent the potential extraction of groundwater. <p>Post construction extraction or discharge of groundwater is strictly prohibited by Council under any circumstances.</p> <p>Fees for the preliminary and detailed hydrogeological report or investigation review are applicable as per Council's Fees and Charges.</p> <p>Condition Reason: To ensure the potential groundwater impacts are identified and to avoid groundwater extraction, and ensure underground structures are designed to comply with Council's Water Management Technical Manual.</p>
30.	<p>SEEPAGE WATER</p> <p>Seepage water within the top 500mm of the ground surface may be collected and discharged to Council's stormwater network (below ground network). Seepage water below 500mm of the ground surface must be managed on-site through infiltration or directed into Council's below-ground stormwater system, subject to Council approval. This will be contingent on the discharge flow rate being quantified and the stormwater management system (including the OSD volume and orifice size) being adjusted to ensure the total discharge from the site does not exceed the permissible site discharge. Seepage water must not be discharged directly or indirectly to the street gutter.</p> <p>Condition Reason: To ensure the seepage water is managed to comply with Council's Water Management Technical Manual.</p>
31.	<p>TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS</p>

	<p>Evidence is to be provided to the Principal Certifier that arrangements have been made for;</p> <p>(a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and</p> <p>(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.</p>
	<p>Condition reason: To ensure appropriate telecommunication services are provided.</p>
32.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p>
	<p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
33.	<p>NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION</p> <p>A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.</p> <p>For further information on the requirements, refer to Council's website:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_detemination/development_applications_-_conditions_of_consent</p>
	<p>Condition reason: To protect the amenity of the local area.</p>

34.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To minimise disruption to local traffic.</p>
35.	<p>SWEPT WHEEL PATH DRAWINGS</p> <p>In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the basement carpark from 88-90 Ramsgate Avenue, Bondi Beach NSW 2026 shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.</p> <p>The swept wheel path drawings shall:</p> <ol style="list-style-type: none"> 1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking. 2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on 88-90 Ramsgate Avenue, Bondi Beach NSW 2026 both opposite and to the immediate southeast and northwest of the proposed driveway. 3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed basement carpark. 4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path. 5. Accurately show the length of the Council's kerb and gutter remaining between the north-western side wing of the existing driveway at 92 Ramsgate Avenue, Bondi Beach NSW 2026 and the south-eastern side wing of the proposed driveway at 88-90 Ramsgate Avenue, Bondi Beach NSW 2026. 6. Accurately show the length of the Council's kerb and gutter remaining between the south-eastern side wing of the existing driveway at 86 Ramsgate Avenue, Bondi Beach NSW 2026 and the north-western side wing of the proposed driveway at 88-90 Ramsgate Avenue, Bondi Beach NSW 2026. <p>Condition reason: To minimise the loss of on street parking and the overall driveway width on Council land.</p>
36.	<p>STORMWATER MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream</p>

	<p>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.</p> <p>The submitted stormwater management plan prepared by ITM Design Pty Ltd, Job No. 23/242, Drawing No. H-DA-00, H-DA-01, H-DA-02, H-DA-03, H-DA-03, H-DA-04, H-DA-05, H-DA-6, H-DA-06, H-DA-07, H-DA-08, REV A, dated 10/10/2024 is considered <u>concept only</u>.</p> <p>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <ol style="list-style-type: none"> The OSD system must be designed to allow the system to be free draining with the invert of the orifice 100 mm above the Hydraulic Grade Line (HGL) at the discharge point. The HGL is determined as the top of kerb. The new kerb inlet pit must be 2.4 m in overall length with 1.8 m clear internal opening. All new stormwater pits must be benched with pipe cut flush with the wall of the pit. The pits must have a minimum thickness of 150 mm and a minimum of SL82 mesh reinforcement. Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes. Seepage water must not be directly or indirectly discharged to Council's street gutter. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design. Any new downpipes are to be located wholly within the property's boundary. Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required.
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	<p>j) Details of the rainwater tank must be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system.</p> <p>k) The OSD system must be designed to the 1% AEP storm event.</p> <p>l) The PSD must be limited to the maximum discharge from the site during the 20% AEP for a 5 minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign OSD and associated orifice accordingly.</p> <p>m) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure must be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.</p> <p>n) A minimum of two 600 mm square access grates must be installed over the OSD tank. One grate must be placed over the OSD outlet pipe and orifice plate.</p> <p>o) The rainwater tank must have a minimum capacity of 4000 litres and be connected to at least 300m² of roof area per dwellings.</p> <p>p) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump must be provided at the outlet point</p> <p>q) A non-return valve must be installed at the discharge point the property boundary within the silt arrestor pit so that stormwater cannot surcharge back into the properties private stormwater system.</p> <p>r) A long section of the connection to Council's infrastructure must be provided and its details included (e.g. the location of existing services being crossing with the clearances, existing surface levels, inverts and obverts of existing and proposed).</p> <p>s) Council must be notified prior to any connection being made to Council's network and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection.</p> <p>t) A grated trench drain must be provided across the (garage entrance/driveway/street boundary) within the private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate are to be not less than 200mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain must be connected to the approved drainage system.</p>
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	<p>u) 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.</p> <p>v) Full hydraulic details and pump manufacturers specification must be provided.</p> <p>w) The pump out system must be connected to a stilling pit and gravity line before being discharged to Council's stormwater network.</p> <p>x) In the event of pump failure one of the following must be provided: an overland flow path is provided; or pondage in a suitably visible area is provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.</p> <p>y) All electrical fittings and supply of the pump out system are located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.</p> <p>z) 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 will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>Notes:</p> <ol style="list-style-type: none"> i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. ii. 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. iii. 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 must not be replicated. iv. 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. v. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
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	Condition Reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.										
37.	<p>WATER QUALITY</p> <p>The development will at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Technical Management Manual 2021.</p> <table border="1"> <thead> <tr> <th>Pollutant</th><th>% post development pollutant reduction targets</th></tr> </thead> <tbody> <tr> <td>Gross Pollutants</td><td>90</td></tr> <tr> <td>Total Suspended Solids</td><td>80</td></tr> <tr> <td>Total Phosphorous</td><td>55</td></tr> <tr> <td>Total Nitrogen</td><td>40</td></tr> </tbody> </table> <p>The applicant will submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID), including cross-sections and the hydraulics. These are to be shown on the submitted stormwater management plans and prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design and hydraulics. MUSIC model must be provided to Council for assessment.</p> <p>Condition reason: To protect the downstream environment from any contaminants.</p>	Pollutant	% post development pollutant reduction targets	Gross Pollutants	90	Total Suspended Solids	80	Total Phosphorous	55	Total Nitrogen	40
Pollutant	% post development pollutant reduction targets										
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38.	<p>PRE-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT</p> <p>Prior to doing any works, an internal CCTV inspection of Council's adjacent stormwater drainage lines is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator assessing the condition of the existing drainage lines adjacent to the site from pit No. 042 to pit No. 041. The Assets team shall be contacted for pit numbers prior to completion.</p> <p>The report/s must be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.</p> <p>Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.</p>										
39.	<p>TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES</p> <p>If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary dewatering application must be submitted and approved by the Executive Manager,</p>										

	<p>Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the PCA.</p> <p>Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.</p>
40.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
41.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
42.	<p>WASTE STORAGE AREAS</p> <p>The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development.</p> <ul style="list-style-type: none"> • 5 x 240L Mobile Garbage Bins (MGBs) for general waste • 5 x 240L MGBs for paper and cardboard recycling • 5 x 240L MGBs for container recycling • 1 x 240L MGBs for garden organics/FOGO • A room or caged area with a minimum floor space of 6m² must be provided for the storage of discarded bulky items and problem waste, awaiting collection. Additional space is required for recycling problem waste such as textiles or electronic waste. <p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
43.	<p>TREE PROTECTION</p> <p>a) All trees to be retained on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, Waverley Council's Development Control Plan 2022, and the tree protection and planting recommendations in the Arboricultural Impact Assessment prepared by George Palmer, Botanics Tree Wise People Pty Ltd, Date: 12/06/2024.</p> <p>b) All tree protection shall be removed prior to the issuing of the Occupation Certificate.</p>

	<p>c) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant’s expense.</p> <p>d) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.</p>															
	Condition reason: To ensure trees remain unimpacted by construction															
44.	<p>TREE WORK</p> <p>a) 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.</p> <p>b) If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed</p>															
	Condition reason: To ensure trees remain unimpacted by construction															
45.	<p>ROOT PRUNING</p> <p>If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below:</p> <p>a) they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (minimum AQF Level 3 Certificate in Horticulture or Certificate 3 in Arboriculture).</p> <p>b) It is the on-site 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.</p>															
	Condition reason: To ensure precautions are taken when working near trees during construction.															
46.	<p>TREE SCHEDULE</p> <table><tr><th>Tree No.</th><th>Species</th><th>Location</th><th>Status</th><th>Action</th></tr><tr><td>T1</td><td>Cupaniopsis anacardioides (Tuckeroo)</td><td>Grass verge</td><td>Exempt species</td><td>Retain and protect</td></tr><tr><td>T2</td><td>Lagunaria patersonia (Norfolk Island Hibiscus)</td><td>Grass verge</td><td>Protected</td><td>Remove and replace</td></tr></table>	Tree No.	Species	Location	Status	Action	T1	Cupaniopsis anacardioides (Tuckeroo)	Grass verge	Exempt species	Retain and protect	T2	Lagunaria patersonia (Norfolk Island Hibiscus)	Grass verge	Protected	Remove and replace
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T2	Lagunaria patersonia (Norfolk Island Hibiscus)	Grass verge	Protected	Remove and replace												

	T3	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Eastern boundary rear yard – 88 <i>Ramsgate Avenue</i>	Protected	Remove and replace
	T4	<i>Cupaniopsis anacardioides</i> (Tuckeroo)		Protected	Remove and replace
	T5	<i>Cotoneaster glaucophyllus</i> (Cotoneaster)	Centre of rear yard – 90 <i>Ramsgate Avenue</i>	Protected	Remove and replace
	T6	<i>Araucaria heterophylla</i> (Norfolk Island Pine)	Rear boundary - 90 <i>Ramsgate Avenue</i>	Protected	Remove and replace
	T7	<i>Syagrus romanzoffiana</i> (Cocos Palm)	Rear southwest corner - 61-63 Brighton Boulevard	Exempt	<i>Removed at time of assessment</i>
	T8	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Eastern boundary rear yard – 90 <i>Ramsgate Avenue</i>	Protected	Remove and replace
	T9	<i>Murraya paniculata</i> (Mock Orange)		Protected	Remove and replace
	Condition reason: To identify the trees approved for removal and replacement, or those that are to be retained and protected.				
47.	CROWN PROTECTION a) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree. b) Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ. Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, for trees both on the site and those on adjoining sites				
48.	TREE PROTECTION CERTIFICATE				

	<p>The onsite arborist is to provide a certificate to Council stating that appropriate tree protection measures have been installed for the trees to be retained and protected.</p> <p>Condition reason: To ensure trees are protected prior to work commencing.</p>
<p>49.</p>	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
50.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
51.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <ol style="list-style-type: none"> (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.

	Condition reason: To ensure the safety of workers and the general public.
52.	<p>TREE PROTECTION</p> <p>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.</p> <p>Condition reason: To protect and retain trees.</p>
53.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>
54.	<p>PRE-DEMOLITION DILAPIDATION REPORT</p> <p>To ensure Council's infrastructure is adequately protected, a pre-demolition dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles for up to 100m is to be submitted to Council. The report must detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:</p> <ul style="list-style-type: none"> a) Road pavement b) Kerb and gutter c) Footpath d) Drainage pits and lintels e) Traffic signs f) Any other relevant infrastructure <p>The report is to be dated, submitted to, and accepted by Council's Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.</p>

	Condition reason: This condition is imposed to protect Council's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.
55.	<p>NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS</p> <p>Prior to commencement of the public domain works notice must be submitted to Council's Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the 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.</p> <p>Condition reason: This is to ensure that the development has been granted with relevant CC design approval and obtained relevant permits from Council, along with copies of the current insurances provided to Council.</p>
56.	<p>APPROVALS FOR WORKING THROUGH/WITHIN THE PUBLIC DOMAIN</p> <p>Road Activity Permits - To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Council's website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Public Domain Works.</p> <ul style="list-style-type: none"> a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations. b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads. c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site. d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items

	<p>of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.</p> <p>e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.</p> <p>f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.</p> <p>g) Temporary Footpath Crossing - A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.</p>
	<p>Condition reason: To ensure that works undertaken in the roads, footpaths and verges surrounding the site are undertaken with appropriate planning and approvals in place to maximise safety and limit nuisance to neighbouring properties and members of the public.</p>

DURING BUILDING WORK

	Condition
57.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
58.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
59.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
60.	<p>CONSTRUCTION HOURS</p> <p>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.</p>

	<p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
61.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
62.	<p>PUBLIC DOMAIN ENGINEERING INSPECTIONS</p> <p>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 Infrastructure Engineer for the road pavement, kerb and gutter, street lighting, street trees and landscaping hold points.</p> <p><u>Kerb and Gutter & Footpath Paving</u></p> <ul style="list-style-type: none"> • After preparation of subgrade • After completion of formwork and prior to casting of concrete • After full completion and restoration <p><u>Road Pavement</u></p> <ul style="list-style-type: none"> • Subgrade trim & compacted • Binder course spread & consolidated • Wearing course laid • After Full Completion <p><u>Landscape</u></p> <ul style="list-style-type: none"> • After full completion and restoration <p><u>Street Lighting and Undergrounding Works</u></p> <ul style="list-style-type: none"> • After full completion <p>All applicable engineering inspection fees in accordance with Council's Pricing policy – Fees & Charges are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.</p>

	Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.
63.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
64.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
65.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
66.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
67.	VEHICULAR ACCESS - FINISHED LEVEL
	The internal finished level shall be construction to match the longitudinal fall of Council's footpath.
	In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to match the level of the back edge of the existing concrete footpath.

	<p>Should the internal slab be poured incorrectly, Council may ask for internal alterations to be made and the slab adjusted at the applicant's cost.</p> <p>Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.</p>
68.	<p>EXISTING VEHICLE CROSSING TO BE CLOSED</p> <p>The existing vehicle crossing is to be closed, and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.</p> <p>Condition reason: To remove any redundant vehicle crossings from the site frontage.</p>
69.	<p>NEW VEHICLE CROSSING</p> <p>A new vehicle crossing is to be provided to access the proposed basement carpark. 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.</p> <p>The crossing is not to exceed the measurements approved in the swept wheel path drawings condition.</p> <p>Condition reason: To ensure the development complies with Section 138 of the Roads Act 1993.</p>
70.	<p>ELECTRIC VEHICLE CHARGING FACILITIES</p> <p>All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.</p> <p>At least three of the resident car spaces is to have a charger installed.</p> <p>At least one dedicated space and charging point is to be provided for electric bicycles and mobility scooters.</p> <p>All visitor car spaces require an EV charger with a 3-phase – 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.</p> <p>Condition reason: To ensure EV ready spaces comply with WDCP requirements at time of approval.</p>

71.	BASIX
	During construction, the certifying authority should be aware of the commitments listed in the BASIX certificate when conducting critical stage inspections. Some BASIX commitments (such as insulation) will be easier to check at this stage, rather than when the dwelling is built and ready for an occupation certificate.
	Condition reason: To satisfy the requirements of the Sustainable Building SEPP 2022.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
72.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
73.	<p>AFFORDABLE HOUSING - IN-FILL AFFORDABLE HOUSING</p> <p>An Occupation Certificate must not be issued in respect of the building the subject of this Consent until:</p> <ul style="list-style-type: none"> a) A signed letter from the nominated registered CHP managing the affordable housing unit (Units G.01, 1.01 and 2.01) as nominated on the approved plans contained in condition 1 of this consent), within this development confirming the providers engagement is to be submitted and be to the satisfaction of Council's Executive Manager, Urban Planning (or delegate), and b) A copy of the agreement including the nominated timeframe for the affordable housing tenure, the number and location of units is sent to Council's Executive Manager, Urban Planning (or delegate). Such an agreement should also stipulate that the selected CHP send an update at the end of every financial year to Council with this information, including information on rents and occupancy rate which will be saved on Council's file (Trim reference No. A22/0503). c) A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on the title which restricts the use of any accommodation to which this development consent relates. The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. The cost of preparation and registration of any legal restriction(s), agreement(s) and all other documentation is to be met by the Registered Proprietor. d) Should this development consent be modified, a minimum of 15% of all GFA of the development (until 15 years after the issue of the Occupation Certificate) is required to be affordable housing. The 15% applies to the total GFA of the development (and includes any GFA beyond that permitted by Chapter 2, Division 1 of <i>State Environmental Planning Policy</i>

	<p>(Housing) 2021) to ensure that the intent of the SEPP is maintained (that is, to facilitate the delivery of new in-fill affordable housing).</p> <p>Condition reason: To ensure that Council is aware of which registered community housing provider is operating the affordable units on site, to provide Council with data surrounding affordable housing rents and occupancy rates, and to ensure that the nominated affordable units are being rented as affordable.</p>
74.	<p>AMALGAMATION OF LOTS</p> <p>The subject lots are to be amalgamated prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure the lots are amalgamated prior to occupation.</p>
75.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
76.	<p>CERTIFICATION OF APPROVED DESIGN</p> <p>In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
77.	<p>CERTIFICATION OF LANDSCAPING</p> <p>At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>

78.	<p>CERTIFICATION OF STORMWATER SYSTEM</p> <p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
79.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must 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 must include commentary to support any variations from the approved drawings.</p> <p>Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.</p>
80.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant and approved by must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Occupation Certificate.</p> <p>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 must be submitted to support all variations from the approved plans.</p> <p>Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed by per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.</p>
81.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p> <p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer.</p>

	<p>Notes</p> <ul style="list-style-type: none"> i. The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees. ii. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council. iii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue of the compliance certificate for the public domain works for the Occupation Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner during the twelve (12) months' defects liability period. A bond in the form of a cash deposit for the value of the public domain works following final completion of the works shall be lodged with Waverley Council prior upon release of the damage deposit subsequent issuance of the OC Compliance Certificate. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period. <p>Condition reason: To ensure that all works are completed as per the approved application and Council's requirements.</p>
<p>82.</p>	<p>DECOMMISSIONING GROUND ANCHORS</p> <p>Decommissioning of Ground Anchors – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.</p> <p>Condition reason: Temporary ground anchors were approved, but these must be destressed to prevent ongoing load and or damage to Council assets.</p>
<p>83.</p>	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.</p> <p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p>

	<p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater management system that the 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.</p>
84.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed as per the approved stormwater management plans.</p>
85.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD, pump out, infiltration system) are not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.</p>

86.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR STORMWATER QUALITY IMPROVEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater quality improvement system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and functioning effectively. The property owner/occupant must not modify or remove the system without consent from Council. The covenant requirements must include the submission of an annual report on water treatment by the first business day on or after the 1st of September each year.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the stormwater quality improvement system is not modified or removed without Council consent and that it is maintained in order to minimise pollution entering the catchment from the site.</p>
87.	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>The registered proprietor will 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.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p> <p>Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure pump out systems are maintained and continue to operate as intended.</p>
88.	<p>POST-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT</p> <p>A post-construction CCTV report must be prepared by an accredited operator and submitted to Council’s Stormwater Engineer (and Asset Systems Team) assessing the existing drainage line adjacent to the site from new kerb inlet pit to the next downstream pit No 041. Asset department shall be contacted for confirmation of pit numbers.</p>

	<p>A post-construction dilapidation report including photographic evidence of internal conditions of the new kerb inlet pit fronting No. 88-90 Ramsgate Ave following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.</p> <p>The reports will be used by Council to assess whether any damage has occurred to Council's stormwater pipes associated with the works.</p> <p>The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the CCTV footage, reports and Council assets condition prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.</p>
89.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
90.	<p>CAR PARKING</p> <p>A total of 16 car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> (a) 12 standard residential parking spaces and 2 accessible residential parking spaces. (b) 3 of the above residential parking spaces must be allocated for use by the affordable housing units. (c) 2 residential visitor parking spaces. (d) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable. (e) Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6:2009 Off Street Parking for People with Disabilities. (f) All spaces are to be clearly delineated and numbered. (g) 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. (h) All car spaces are to be appropriately signposted and marked. (i) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans. <p>As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.</p>

	Condition reason: To ensure the correct number of car spaces are allocated to the appropriate users.
91.	<p>BICYCLE PARKING</p> <p>A total of 13 bicycle parking spaces are to be provided within the development, allocated in the following manner:</p> <p>(a) 11 residential bicycle spaces (b) 2 visitor bicycle spaces (c) All spaces are to be located at ground floor level.</p> <p>The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.</p> <p>The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.</p> <p>Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).</p> <p>As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.</p> <p>Condition reason: To ensure the site promotes sustainable transport in the form of bicycles.</p>
92.	<p>STREET NUMBER/S</p> <p>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.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
93.	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment of the property has led to the following allocation of premises numbers:</p> <ul style="list-style-type: none"> – No. 88 - primary address site number – Ramsgate Avenue - primary address location. <p>The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near</p>

	<p>the pedestrian entry point and be clearly visible on the site boundary that fronts Ramsgate Avenue.</p> <p>The following sub addressing principles will apply:</p> <ul style="list-style-type: none"> – All sub premises numbers must be unique, – The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level, – For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307, – Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG, Basement = B etc <p>The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate</p> <p>Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.</p>
	<p>Condition reason: To ensure the property address is clearly identified.</p>
94.	<p>FLOOR SPACE RATIO</p> <p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 1117,2m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the <i>Waverley Local Environmental Plan 2012</i>, applicable at the time of development consent, to the satisfaction of the Principal Certifier.</p> <p>(c) The building envelope is to be retained as approved. No additional floor space will be approved under subsequent modifications.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>
95.	<p>BUILDING HEIGHT</p> <p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <ul style="list-style-type: none"> i. Lift overrun: RL 29.14 ii. Hob on roof: RL 28.55 iii. Parapet: RL 28.45 <p>Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p>

	Condition reason: To ensure the constructed development complies with the approved height.
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OCCUPATION AND ONGOING USE

	Condition
96.	<p>AFFORDABLE HOUSING - MANAGEMENT AND OCCUPANCY</p> <p>Units G.01, 1.01 and 2.01 as nominated on the approved plans contained in condition 1 of this consent are to be used for the purposes of 'affordable housing', as defined in Clause 13 of the State Environmental Planning Policy (Housing) 2021 for a minimum period of 15 years commencing from the date of the issue of any Occupation Certificate for this development.</p> <p>(a) All accommodation that is used for affordable housing will be managed by a registered Community Housing Provider (CHP) and is to provide accommodation for a household identified to be on very low, low to moderate incomes.</p> <p>Condition reason: To clarify the management and occupancy of affordable housing units, and to comply with the requirements of Chapter 2 Part 2 Division 1 of <i>State Environmental Planning Policy (Housing) 2021</i>.</p>
97.	<p>VEHICLE ACCESS</p> <p>All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.</p> <p>Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.</p> <p>Condition reason: To ensure safe manoeuvring of vehicles.</p>
98.	<p>ON SITE GARBAGE COLLECTION</p> <p>The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.</p> <p>Condition reason: To ensure appropriate collection of waste.</p>
99.	<p>ADJUSTMENTS TO STREET SIGNS</p> <p>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.</p> <p>Condition reason: To ensure any of Council's signage assets being adjusted are carried out in accordance with Council requirements.</p>
100.	<p>USE OF PLANT ROOMS</p> <p>The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.</p> <p>Condition reason: To ensure the plant room is not used for storage purposes.</p>
101.	WASTE MANAGEMENT PLAN REVIEW

	<p>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 of relevant stakeholders. The updated plan is to supersede the previous plan.</p> <p>Condition reason: Changes in residential services can impact storage and operational plans.</p>
102.	PARKING PERMITS
	Occupants of the building are not to be eligible for resident parking permits under Council's Resident Parking Scheme.
	Condition reason: To reduce the impacts of additional vehicles onto surrounding streets of the development.
103.	ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM
	<p>Council will need to be provided with an OSD system, pump system and Stormwater Quality Improvement Devices management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.</p> <p>At a minimum, the stormwater systems must be:</p> <ul style="list-style-type: none"> a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner. <p>Not be altered without prior consent in writing of the Council.</p>
	Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.
104.	ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE
	<p>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.</p> <p>Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.</p>
105.	ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM
	<p>The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.</p>

	Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.
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GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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</p>

	<p>through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p> <p>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.</p>
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
8.	<p>DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)</p> <p>Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.</p>
9.	<p>SITE RECTIFICATION WORKS</p> <p>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</p>

	<p>secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.</p> <p>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:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> Make the building/site safe and of an appearance acceptable to Council; Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. Council may call on any bank guarantee to cover the cost thereof. <p>(b) 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.</p>
10.	<p>TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS</p> <p>Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes but is not limited to works performed for the purpose of connection/s to public utilities, including repair of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.</p>
11.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
12.	<p>BONDI - ROSE BAY SAND BODY</p> <p>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.</p> <p>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.</p>
13.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>
14.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p>

	In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.
15.	TREE MANAGEMENT GUIDELINES 2022 Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach



Drawing List

DA000	Cover Page	DA400	Finishes Schedule	DA612	Shadow Diagram
DA001	Project Information	DA410	CGI Image	DA613	Shadow Diagram
DA002	Demolition Plan	DA500	GFA Diagram - Sheet 1	DA614	Shadow Diagram
DA003	Site Analysis	DA501	GFA Diagram - Sheet 2	DA615	Shadow Diagram
DA004	Site Plan	DA510	Deep Soil Diagram	DA616	Shadow Diagram
DA100	Basement 2	DA520	Landscape Diagram	DA617	Shadow Diagram Elevations
DA101	Basement 1	DA521	Landscape Diagram	DA618	Shadow Diagram Elevations
DA102	Ground Floor Plan	DA530	Height Limit Diagram	DA619	Shadow Diagram Elevations
DA103	Level 1	DA540	Cross Ventilation Diagram	DA700	Adaptable Unit 3.01
DA104	Level 2	DA550	Private Open Spaces	DA701	Adaptable Unit 3.02
DA105	Level 3	DA551	Communal Open Space	DA702	Adaptable Unit 4.01
DA106	Level 4	DA560	Unit Mix Diagram	DA703	Adaptable Unit 4.01
DA107	Roof Plan	DA570	Storage Diagram - Sheet 1	DA6110	Shadow Diagram Elevations
DA200	Elevation Sheet 1	DA571	Storage Diagram - Sheet 2		
DA201	Elevation Sheet 2	DA600	Solar Access Diagram		
DA300	Section Sheet 1	DA610	Shadow Diagram		
DA301	Section Sheet 2	DA611	Shadow Diagram		

AMENDED

RECEIVED
Waverley Council

Application No: DA-563/2024

Date Received: 11/04/2025

GENERAL NOTES:

- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
- DRAWINGS FOR THE PURPOSES OF DA ONLY (NOT FOR CONSTRUCTION) - FURTHER CONSULTANT/ AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS
- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANTS DRAWINGS, SPECIFICATIONS & REPORTS
- COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PBD ARCHITECTS AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

AW AWNING
AH ACCESS HATCH
AC A/C CONDENSER UNITS
FH FIRE HYDRANT
FHR FIRE HOSE REEL
FS FIRE STAIRS
GC GARBAGE CHUTE
HW HIGHLIGHT WINDOW
MV MECHANICAL RISER TO FUTURE DETAIL
MB MAIL BOX TO FUTURE DETAIL
R 240L RECYCLING BIN
SK SKYLIGHT
ST STORAGE
HWU HOT WATER UNITS

MATERIALS LEGEND:

AFG ALUMINIUM FRAMED GLAZING
LV ALUMINIUM ELLIPTICAL FIXED LOUVERS
AW AWNING (TO FUTURE DETAIL)
CONC CONCRETE
FB FACE BRICK
GB FRAMELESS TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
MB METAL BALUSTRADE
MC METAL CLADDING
FCE METAL FENCING (TO FUTURE SELECTION)
PC COMPOSITE PANEL CLADDING
PSX PRIVACY SCREEN (TO FUTURE SELECTION)
PTX PAINT FINISH TYPEX
RD ROLLER DOOR
RP RIVER PEBBLES
RW RENDERED FINISH/SELECTED PAINT FINISH
TC TIMBER CLADDING
VB EXTERNAL VENETIAN BLINDS

Issue	Date	Description
01	11/03/2024	P11
02	20/03/2024	P12
01	11/03/2024	01
02	11/03/2025	02
03	26/03/2025	03

CLIENT:
HSN Property



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E - info@pbdarchitects.com.au
W - pbdarchitects.com.au
Level 2, 52 Albion Street,
Surry Hills NSW 2010

ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

DRAWING TITLE:
Cover Page

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: NTS	DRAWING NO:	ISSUE:
PROJECT NO: 2217	DA000	03

PROJECT INFORMATION			
88-90 Ramsgate Avenue, Bondi Beach			
Information	Waverley LEP 2022	SEPP Housing 2021 30% additional uplift	PROPOSED UNDER SEPP HOUSING 2021
Site Area	954.8m ²		
Height Control	12.5m	16.25m	16.25m
Allowable FSR	0.9:1 (859.32m ²)	1.17:1 (1117.12m ²)	1117.1m ²
Zoning	R3 - Medium Density Residential		
Affordable Housing		1117.12*15% = 167.57m ²	167.57m ² (3x1 BR@56m ²)

UNIT MIX				
Level	1 Bed	2 Bed	3 Bed	Total
Ground Floor	1	-	2	3
Level 1	1	-	-	1
Level 2	1	3	-	4
Level 3	-	-	2	2
Level 4	-	-	1	1
Total	3	3	5	11
	27%	27%	45%	100%

DA CARPARKING REQUIREMENT (WAVERLEY DCP) (Maximum Control)				
	RATE (per unit)	No. of Units	Required (Max.)	Proposed
1 Bed	1	3	3	3
2 Bed	1.2	3	3.6	3
3 Bed	1.5	5	7.5	8
			14.1	14
		Total Residential		
Accessible	20% of Units	11	2.2	2 (Inclusive of above)
Visitor	0.2	11	2.2	2
		Total	16.3	

AREA SCHEDULE				
Level	Unit No	Type	Internal Area (m ²)	Balcony (m ²)
Ground Floor	G.01	1 Bed (AFF.)	55.85	
	G.02	3 Bed (TH)	122	
	G.03	3 Bed (TH)	121	
Level 1	1.01	1 Bed (AFF.)	55.85	
				11
Level 2	2.01	1 Bed (AFF.)	55.85	11
	2.02	2 Bed	77	11
	2.03	2 Bed	75	11
	2.04	2 Bed	80	14
Level 3	3.01	3 Bed	141	26
	3.02	3 Bed (ADAPT.)	152	29
Level 4	4.01	3 Bed (ADAPT.)	168	56

MOTORCYCLE & BICYCLE REQUIREMENT (WAVERLEY DCP)				
	Requirement	No.	Required (Min)	Proposed
Motorcycle	1 / 3 Car Space	16 parking spaces	5.33	5
Bicycle	1/1 dwelling	11 dwellings	11	11
Bicycle (visitor)	1/10 dwellings	11 dwellings	1.1	2
EV Charging Point	Min 20% of the spaces are to have EV stations		3.6	4

WASTE GENERATION & MANAGEMENT 1BED UNITS				
	Rate	Litres / Week	Required Bins / Week	Proposed Bins / Week
Garbage	80L/Unit/Week	240	1	1
Recycling	80L/Unit/Week	240	1	1
Food & Garden Organics	10L	30	1	1
				3

WASTE GENERATION & MANAGEMENT 2-BED UNITS				
	Rate	Litres / Week	Required Bins / Week	Proposed Bins / Week
Garbage	120L/Unit/Week	960	4	5
Recycling	120L/Unit/Week	960	4	5
Food & Garden Organics	20L	160	1	1
				11

DA CARPARKING (SEPP HOUSING 2021)				
Residential - Affordable	RATE (per unit)	No. of Units	Required (M/in)	Proposed (M/in)
1 Bed	0.4	3	1.2	3
2 Bed	0.5	-	-	
3 Bed	1	-	-	
1 Bed (non-aff. component)	0.5	-	-	-
2 Bed (non-aff. component)	1	3	3	3
3 Bed (non-aff. component)	1.5	5	7.5	8
TOTAL		Total Residential	11.7	14

OTHER REQUIREMENTS			
	DCP / ADG Req	Required	Proposed
Solar Access	70% of total number of apartments	7.7	8
Cross Ventilation	60% of total number of apartments	6.6	100%
Landscape Area	30% of site area is to be provided as landscape area.	286.2m ²	438.8m ²
Deep Soil	Min of 50% of the landscape area must be deep soil zone.	143m ²	177.8m ²
Adaptable Housing	Development > 10 dwellings - 20%	2	2
Livable	100% of all dwellings	11	11

GENERAL NOTES:

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- DRAWINGS ARE PREPARED FOR THE PURPOSES OF A [] (DO NOT FOR CONSTRUCTION)
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- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANTS' DRAWINGS, SPECIFICATIONS & REPORTS
- COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PRD ARCHITECTS
- ALL WORKS ARE TO BE COMPLETED AS REQUIRED FOR ANY REPRODUCTION
- AREA SCHEDULES DISPLAYED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

AW	AWNING
AH	ACCESS HATCH
AC	A/C CONDENSING UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARAGE CHUTE
HW	HIGHLIGHT WINDOW
MB	MECHANICAL RISER TO FUTURE DETAIL
MV	MAILBOX TO FUTURE DETAIL
R	RAIL RECYCLING BIN
SK	SKYLIGHT
ST	STORAGE
HWU	HOT WATER UNITS

MATERIALS LEGEND:

AFG	ALUMINUM FRAMED GLAZING
LV	ALUMINUM ELLIPTICAL FIXED LOUVERS
AW	AWNING (TO FUTURE DETAIL)
CONC	CONCRETE
FB	FACE BRICK
GB	FRAMLESS TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
MB	METAL BALUSTRADE
MC	METAL CLADDING
PCE	METAL PAVING (TO FUTURE SELECTION)
CP	COMPOSITE PANEL CLADDING
PSK	PRIVACY SCREEN (TO FUTURE SELECTION)
PTX	PAINT FINISH/TEXTURE
RD	ROLLER DOOR
RP	RIVER PEBBLES
RW	RENDERED FINISH/SELECTED PAINT FINISH
TC	TIMBER GLAZING
VB	EXTERNAL VENETIAN BLINDS

Issue	Date	Description
P7	6/08/2024	P7
P8	11/09/2024	P11
P9	20/09/2024	P12
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

CLIENT:
HSN Property

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Level 2, 52 Albion Street,
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ABN 36 147 035 550
Nominated Architect;
Paul Bujajevic NSW 7768

PROJECT: Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

DRAWING TITLE:

Project Information

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: NTS	DRAWING NO: DA001	ISSUE: 03
PROJECT NO: 2217		

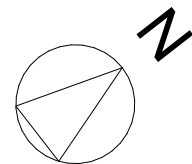


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- DRAWINGS SHALL BE PREPARED BY DA ONLY (NOT FOR CONSTRUCTION)
- AFTER FURTHER CONSULTANT/ AUTHORITY COORDINATION WILL BE REQUIRED AT CO STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS
- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT DRAWINGS SPECIFICALLY
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AW	AWNING
AH	ACCESS HATCH
AC	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE
HW	HIGHLIGHT WINDOW
MV	MECHANICAL RISER TO FUTURE DETAIL
MB	MAILBOX TO FUTURE DETAIL
R	240L RECYCLING BIN
SK	SKYLIGHT
ST	STORAGE
HWU	HOT WATER UNITS

LV	ALUMINIUM FRAMED GLAZING
AF	ALUMINIUM ELLIPTICAL FIXED LOUVERS
AW	AWNING (TO FUTURE DETAIL)
CONC	CONCRETE
FB	FACE BRICK
MB	MINIALLY TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
MC	METAL CLADDING
FCE	METAL FENCINGS (TO FUTURE SELECTION)
PC	COMPOSITE PANEL CLADDING
PSx	PRIVACY SCREEN (TO FUTURE SELECTION)
PTx	PAINT FINISH TYPEx
RD	ROLLER DOOR
RP	RIVER PEBBLES
RW	RENDERED FINISH/SELECTED PAINT FINISH
TC	TIMBER CLADDING
VB	EXTERNAL VENETIAN BLINDS

TO BE DEMOLISHED

[illegible]

HSN Property



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Surry Hills NSW 2010

ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

Demolition Plan

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:100@A1	DRAWING NO:	ISSUE:
PROJECT NO: 2217	DA002	03

RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

RAMSGATE AVENUE



RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

3 STOREYED
BRICK UNITS
BASEMENT
PARKING
No. 55-57

GENERAL NOTES:

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LEGEND:

AW AWNING
AH ACCESS HATCH
AC A/C CONDENSER UNITS
FH FIRE HYDRANT
FHR FIRE HOSE REEL
FS FIRE STAIRS
GC GARBAGE CHUTE
HWV HIGHLIGHT WINDOW
MV MECHANICAL RISER TO FUTURE DETAIL
MB MAIL BOX TO FUTURE DETAIL
R 240L RECYCLING BIN
SK SKYLIGHT
ST STORAGE
HWU HOT WATER UNITS

MATERIALS LEGEND:

AFG ALUMINIUM FRAMED GLAZING
LV ALUMINIUM ELLIPTICAL FIXED LOUVERS
AW AWNING (TO FUTURE DETAIL)
CONC CONCRETE
FB FACE BRICK
GB FRAMELESS TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
MB METAL BALUSTRADE
MC METAL CLADDING
FCE METAL FENCING (TO FUTURE SELECTION)
PC COMPOSITE PANEL CLADDING
PSX PRIVACY SCREEN (TO FUTURE SELECTION)
PTX PAINT FINISH TYPE X
RD ROLLER DOOR
RP RIVER PEBBLES
RW RENDERED FINISH/SELECTED PAINT FINISH
TC TIMBER CLADDING
VB EXTERNAL VENETIAN BLINDS

AMENDED

Issue	Date	Description
01	11/09/2024	P11
02	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03

Scale Bar 1 : 100 @ A1

0 1 2 3 4 5m

CLIENT:
HSN Property

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W - pbdarchitects.com.au
Level 2, 52 Albion Street,
Surry Hills NSW 2010
ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

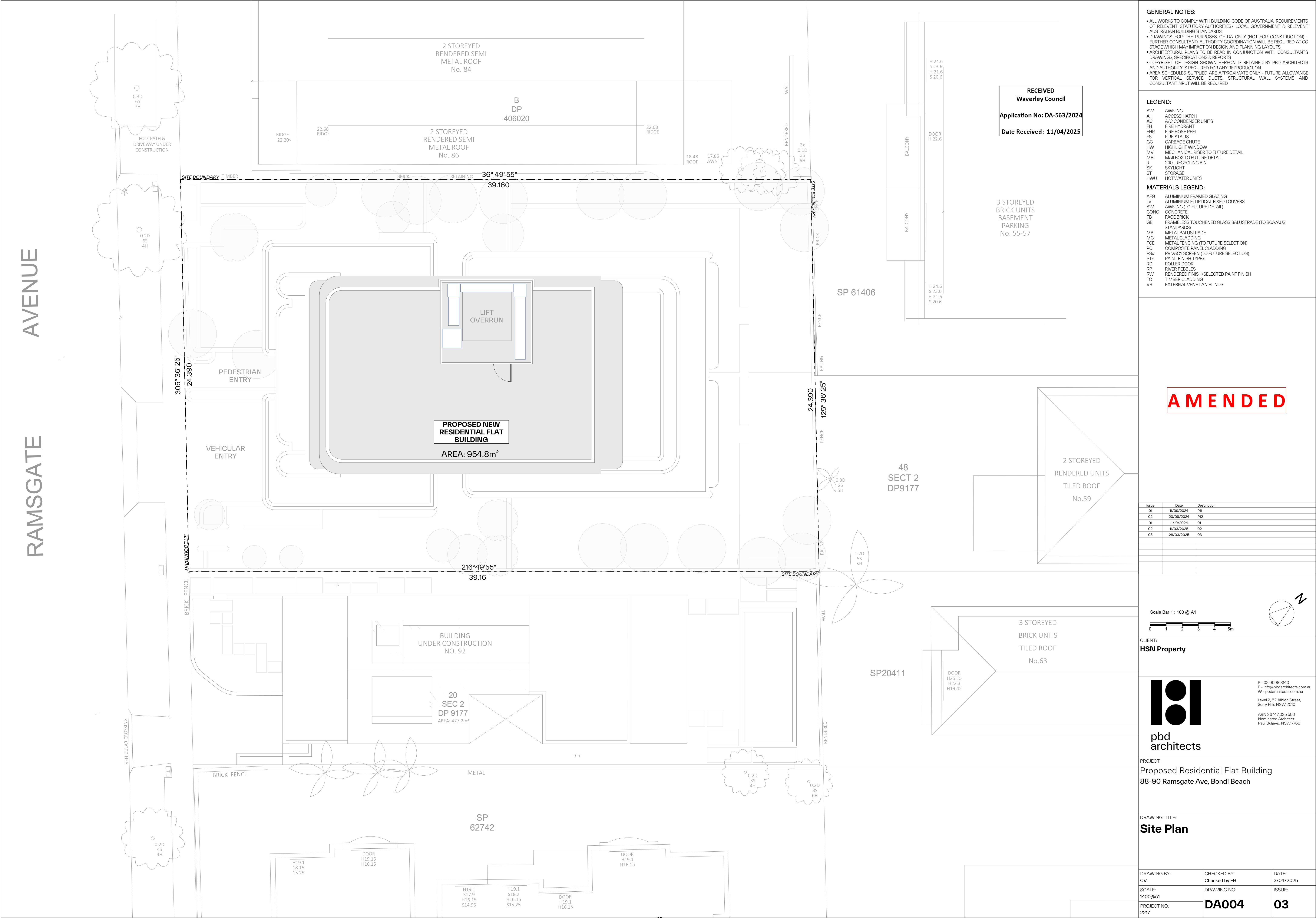
PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

DRAWING TITLE:
Site Analysis

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:100@A1	DRAWING NO: DA003	ISSUE: 03
PROJECT NO: 2217		

AVENUE

RAMSGATE



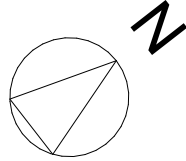
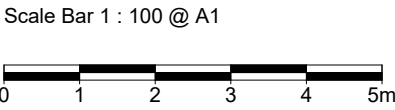
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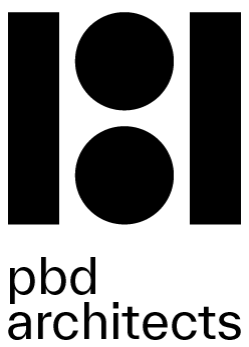
- LEGEND:**
- AW AWNING
 - AH ACCESS HATCH
 - AC A/C CONDENSER UNITS
 - FH FIRE HYDRANT
 - FHR FIRE HOSE REEL
 - FS FIRE STAIRS
 - GC GARBAGE CHUTE
 - HW HIGHLIGHT WINDOW
 - MV MECHANICAL RISER TO FUTURE DETAIL
 - MB MAIL BOX TO FUTURE DETAIL
 - R 240L RECYCLING BIN
 - SK SKYLIGHT
 - ST STORAGE
 - HWU HOT WATER UNITS
- MATERIALS LEGEND:**
- AFG ALUMINIUM FRAMED GLAZING
 - LV ALUMINIUM ELLIPTICAL FIXED LOUVERS
 - AW AWNING (TO FUTURE DETAIL)
 - CONC CONCRETE
 - FB FACE BRICK
 - GB FRAMELESS TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
 - MB METAL BALUSTRADE
 - MC METAL CLADDING
 - FCE METAL FENCING (TO FUTURE SELECTION)
 - PC COMPOSITE PANEL CLADDING
 - PSX PRIVACY SCREEN (TO FUTURE SELECTION)
 - PTX PAINT FINISH TYPE X
 - RD ROLLER DOOR
 - RP RIVER PEBBLES
 - RW RENDERED FINISH/SELECTED PAINT FINISH
 - TC TIMBER CLADDING
 - VB EXTERNAL VENETIAN BLINDS

AMENDED

Issue	Date	Description
01	11/09/2024	P11
02	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	26/03/2025	03



CLIENT:
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ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
**Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach**

DRAWING TITLE:
Site Plan

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:100@A1	DRAWING NO: DA004	ISSUE: 03
PROJECT NO: 2217		



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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

AMENDED

Basement

1:100

AMENDED

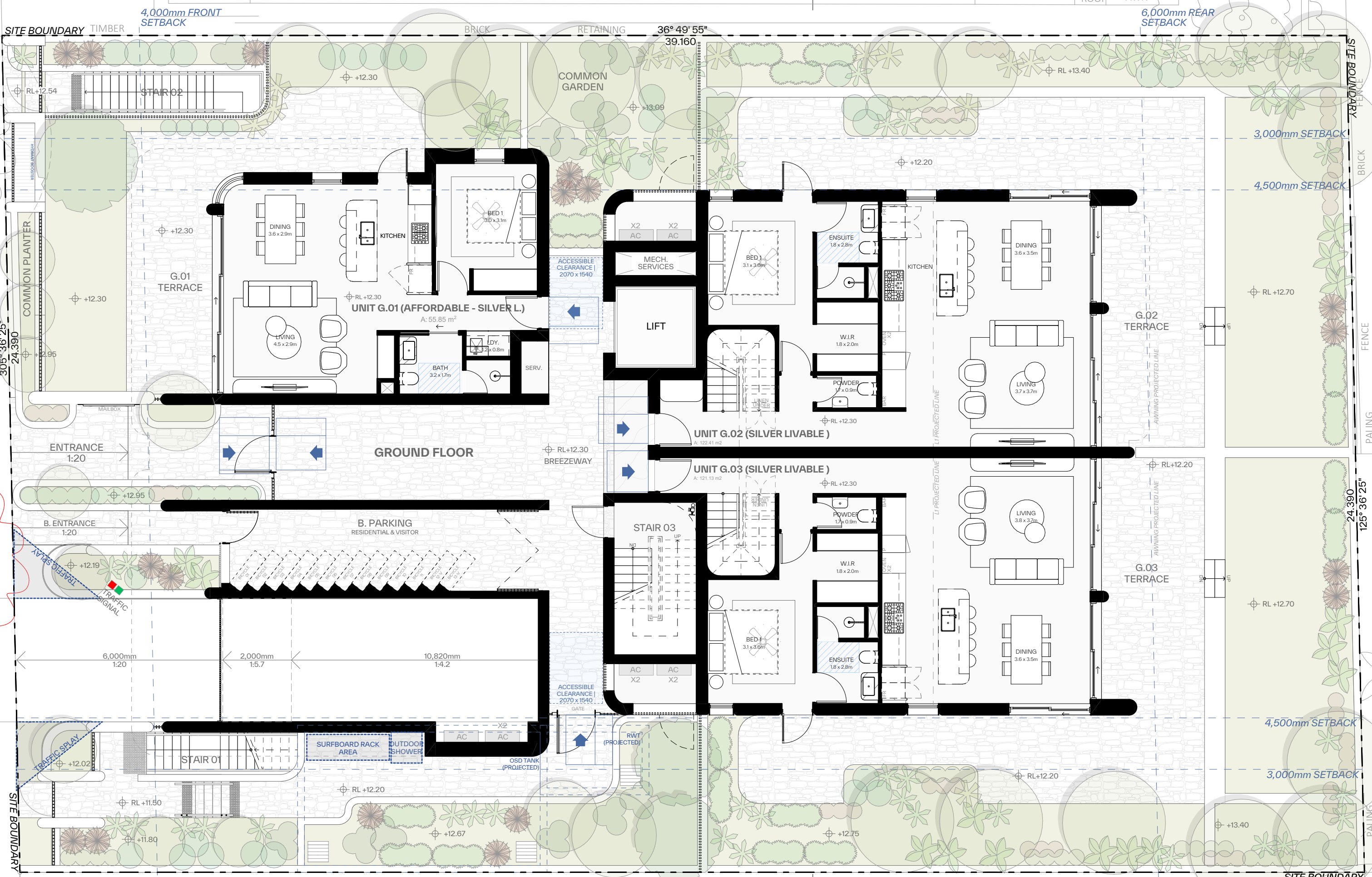
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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

AVENUE
RAMSGATE

TPZ
T1

VEHICULAR CROSSING

VEHICULAR CROSSING



SP 61406

48
SECT 2
DP9177

TPZ
T7

SP20411

3 STOREYED
BRICK UNITS
BASEMENT PARKING
No. 55-57

2 STOREYED
RENDERED UNITS
TILED ROOF
No. 59

3 STOREYED
BRICK UNITS
TILED ROOF
No. 63

DOOR
H25.15
H22.3
H19.45

Ground

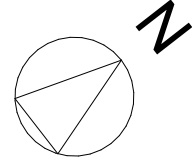
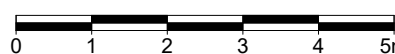
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GENERAL NOTES:

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Issue	Date	Description
P6	5/08/2024	P6
P7	6/08/2024	P7
P8	22/08/2024	P8
P9	11/09/2024	P11
P10	20/09/2024	P12
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

Scale Bar 1 : 100 @ A1



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ABN 36 147 035 650
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
Ground Floor Plan

DRAWING BY:
CV

SCALE:
1:100@A1

PROJECT NO:
2217

CHECKED BY:
Checked by FH

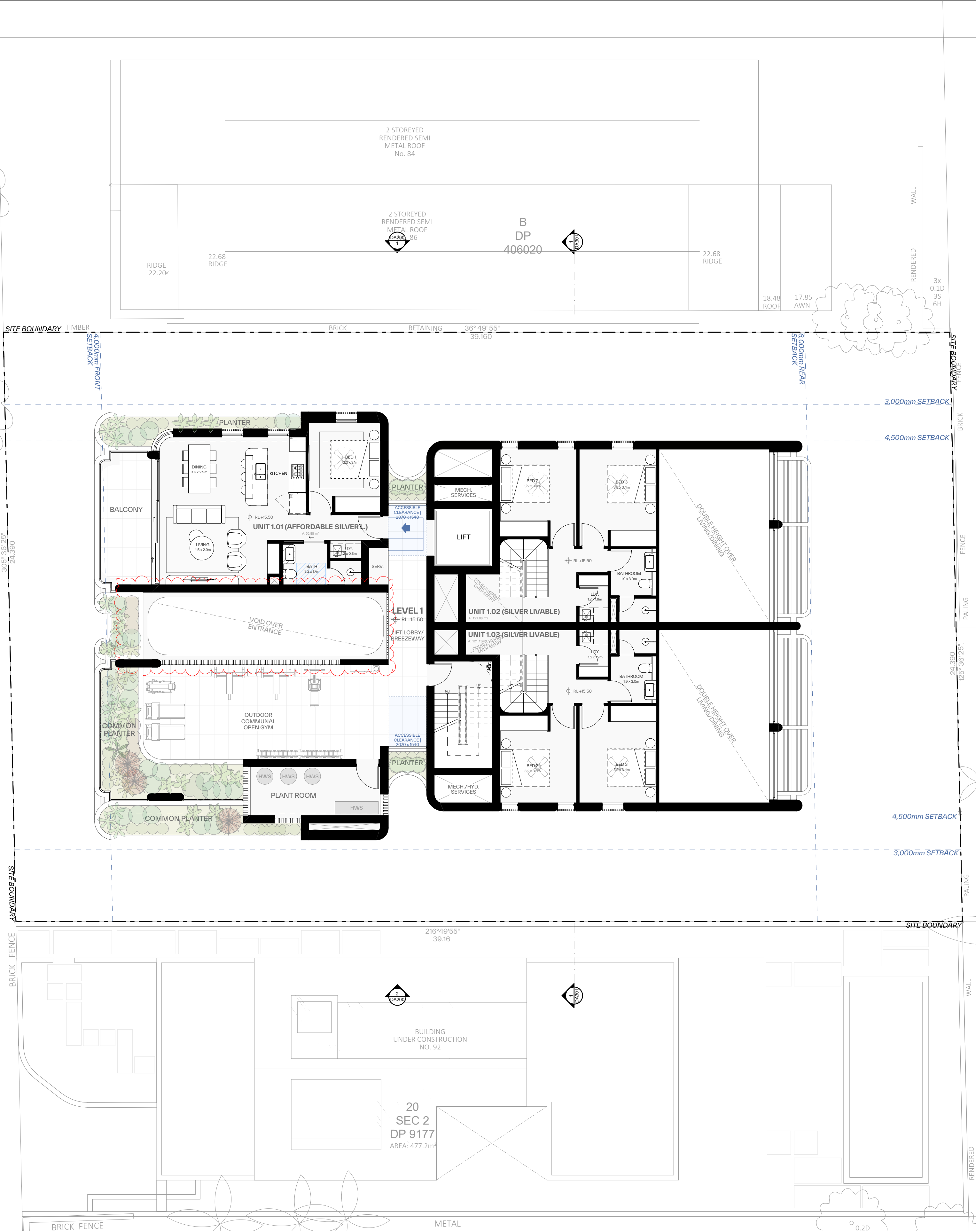
DRAWING NO:
DA102

DATE:
3/04/2025

ISSUE:
03

RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

AMENDED



Level 1

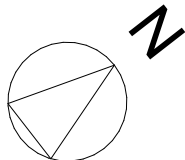
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GENERAL NOTES:

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Issue	Date	Description
P4	26/07/2024	P4
P5	2/08/2024	P5
P7	6/08/2024	P7
P8	11/09/2024	P8
P9	20/09/2024	P9
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

Scale Bar 1 : 100 @ A1



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PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
Level 1

DRAWING BY:
CV

SCALE:
1:100 @ A1

PROJECT NO:
2217

CHECKED BY:
Checked by FH

DRAWING NO:
DA103

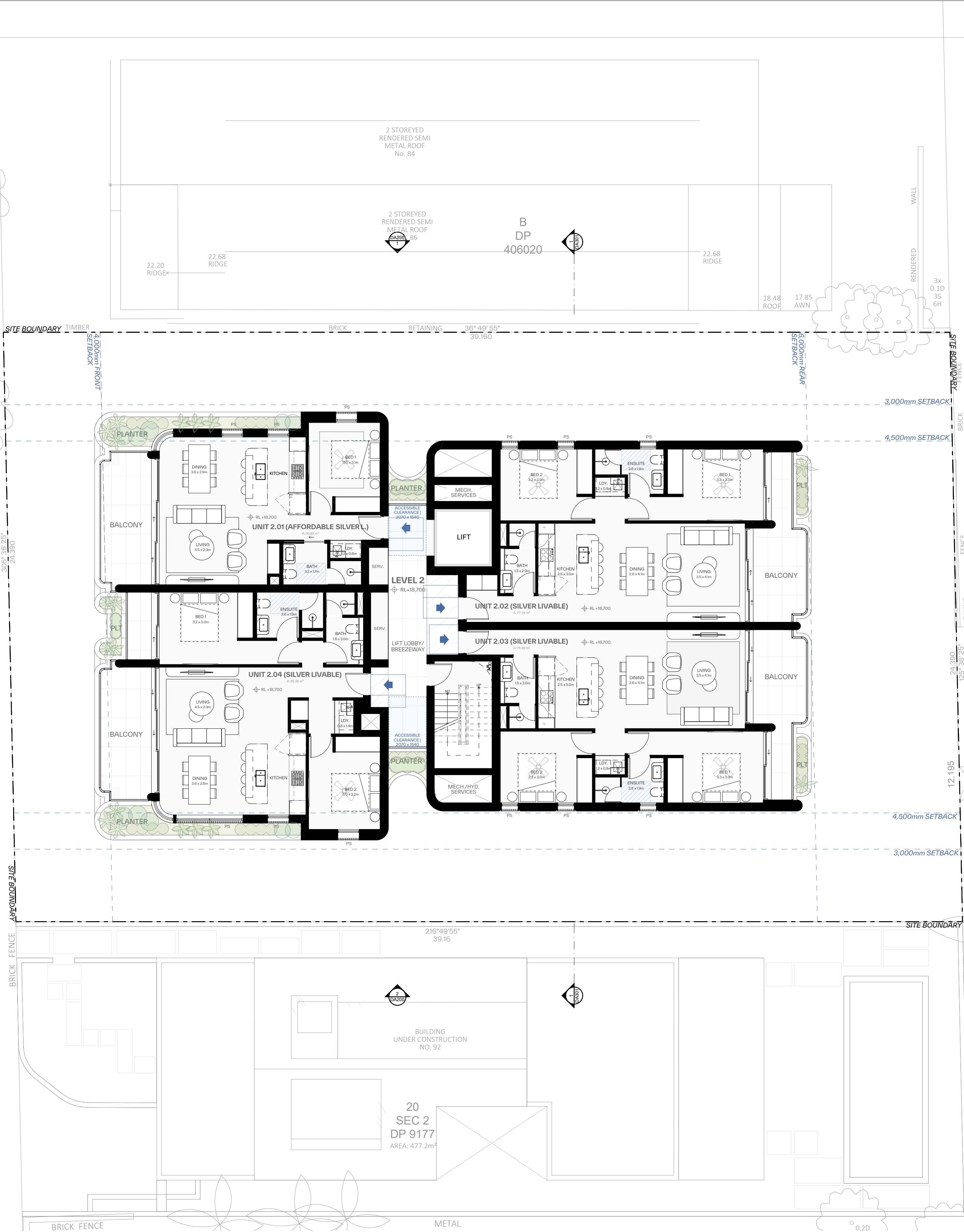
DATE:
3/04/2025

ISSUE:

03

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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

AMENDED



Level 2

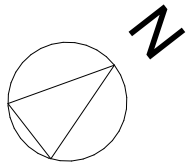
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GENERAL NOTES:

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Issue	Date	Description
P4	26/07/2024	P4
P5	2/08/2024	P5
P7	6/08/2024	P7
P8	11/09/2024	P8
P9	20/09/2024	P9
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

Scale Bar 1 : 100 @ A1



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ABN 36 147 035 650
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
Level 2

DRAWING BY:
CV

SCALE:
1:100@A1

PROJECT NO:
2217

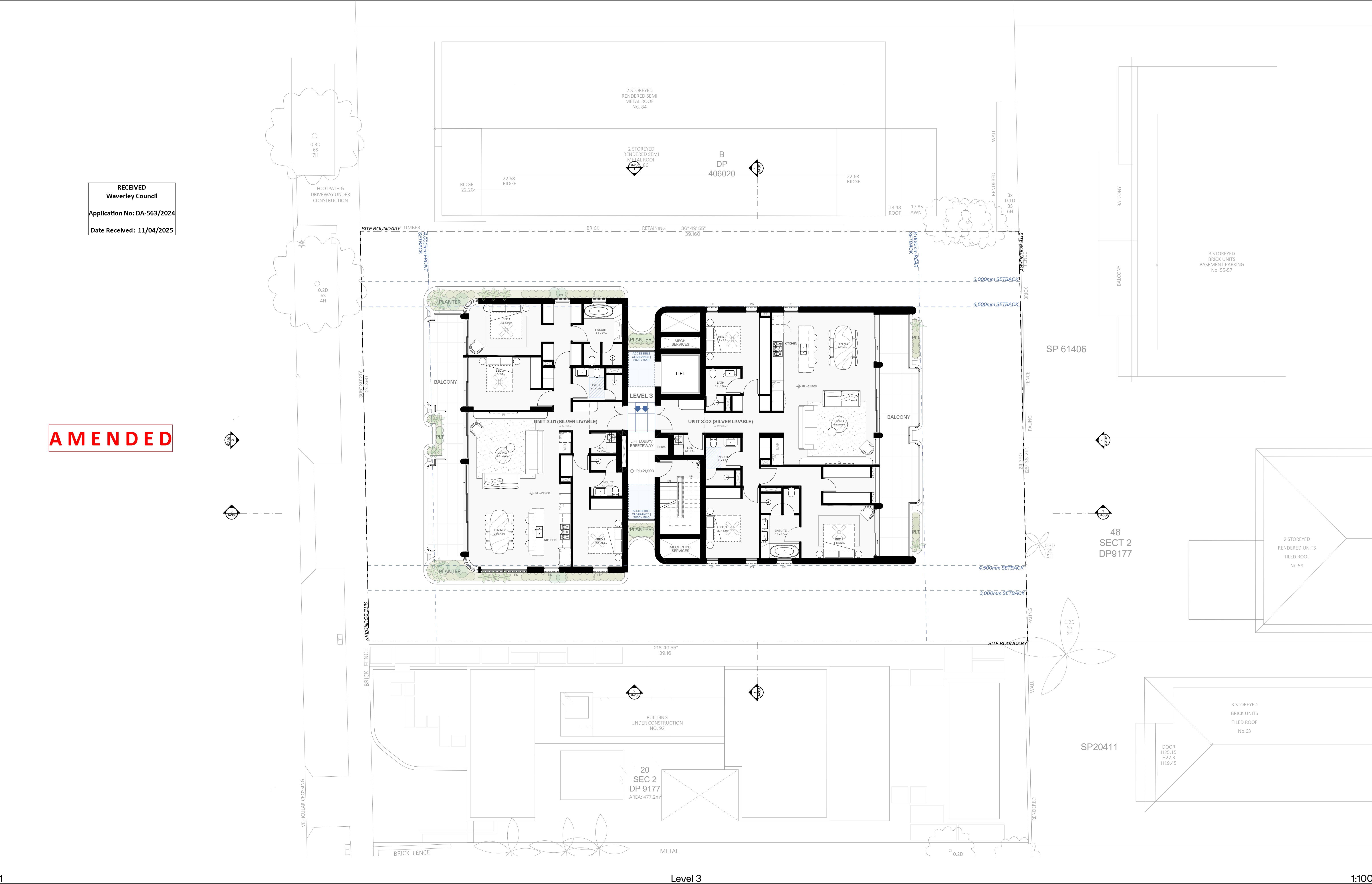
CHECKED BY:
Checked by FH

DRAWING NO:
DA104

DATE:
3/04/2025

ISSUE:

03



AMENDED



1:100

GENERAL NOTES: <ul style="list-style-type: none">ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS.DRAWINGS FOR THE PURPOSES OF DA ONLY (NOT FOR CONSTRUCTION) - FURTHER CONSULTANT/ AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTSARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANTS DRAWINGS, SPECIFICATIONS & REPORTSCOPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PBD ARCHITECTS AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTIONAREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY- FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED	<table><tr><th>Issue</th><th>Date</th><th>Description</th></tr><tr><td>P4</td><td>26/07/2024</td><td>P4</td></tr><tr><td>P5</td><td>2/08/2024</td><td>P5</td></tr><tr><td>P6</td><td>11/09/2024</td><td>P1</td></tr><tr><td>P7</td><td>20/09/2024</td><td>P12</td></tr><tr><td>01</td><td>11/10/2024</td><td>01</td></tr><tr><td>02</td><td>11/03/2025</td><td>02</td></tr><tr><td>03</td><td>28/03/2025</td><td>03</td></tr></table>	Issue	Date	Description	P4	26/07/2024	P4	P5	2/08/2024	P5	P6	11/09/2024	P1	P7	20/09/2024	P12	01	11/10/2024	01	02	11/03/2025	02	03	28/03/2025	03	<div><div>Scale Bar 1 : 100 @ A1</div><div></div></div>	<div><div></div><div><p>pbd architects</p></div></div> <div><p>P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au</p><p>Level 2, 52 Allston Street, Surry Hills NSW 2010</p><p>ABN 36 147 035 550 Nominated Architect: Paul Bufjevic NSW 7768</p></div>	<p>PROJECT: Proposed Residential Flat Building 88-90 Ramsgate Ave, Bondi Beach</p> <p>CLIENT: HSN Property</p>	<p>DRAWING TITLE: Level 4</p>	<p>DRAWING BY: CV</p> <p>SCALE: 1:100@A1</p> <p>PROJECT NO: 2217</p>	<p>CHECKED BY: Checked by FH</p> <p>DRAWING NO: DA106</p>	<p>DATE: 3/04/2025</p> <p>ISSUE: 03</p>
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	P5	2/08/2024	P5																													
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	01	11/10/2024	01																													
	02	11/03/2025	02																													
	03	28/03/2025	03																													

AMENDED

AVENUE

RAMSGATE

Waverley Council

Application No: DA-563/202

Date Received: 11/04/2025

2 STOREYED
RENDERED SEM
METAL ROOF
No. 84

B
DP
-0602

2 STOREYED
RENDERED SEM
METAL ROOF
No. 86

RIDGE

18.48
ROOF

17.85
AWN

6,000mm REAR
SETBACK

3 STOREY
BRICK UNIT
BASEMENT
PARKING
No. 55-57

SP 6140

48
SECT :
DP917

2 STOREYED
RENDERED UNIT
TILED ROOF
No.59

3 STOREYED
BRICK UNIT
TILED ROOF
No.63

Roc

1:100

GENERAL NOTES

AL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS

DRAWINGS FOR THE PURPOSES OF DA ONLY (NOT FOR CONSTRUCTION) - FURTHER CONSULTANT/ AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS

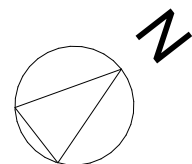
ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANTS DRAWINGS, SPECIFICATIONS & REPORTS

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AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

Issue	Date	Description
P4	26-Jul-24	P4
P5	02-Aug-24	P5
P6	11-Sep-24	P11
P7	20-Sep-24	P12
O1	11-Oct-24	O1
O2	11-Mar-25	O2
O3	28-Mar-25	O3

Scale Bar 1 : 100 @ A



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Level 2, 52 Albion Street,
Surry Hills NSW 2010

ABN 36 147 035 550
Nominated Architect:
Paul Bulleivic NSW 7768

PROJECT:

Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:

HSN Property

DRAWING TITLE:

Roof Plan

DRAWING BY:
CV

SCALE:

PROJECT NO.

2217

CHECKED BY:
Checked by FH

DA107

DATE:
04-Apr

03

AMENDED



Elevation - East

1:100

1



Elevation - West

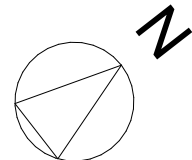
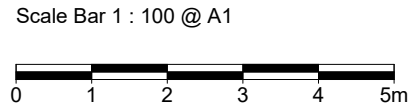
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2

GENERAL NOTES:

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P6	11-Sep-24	P11
P7	20-Sep-24	P12
01	11-Oct-24	01
02	19-Mar-25	02
03	28-Mar-25	03



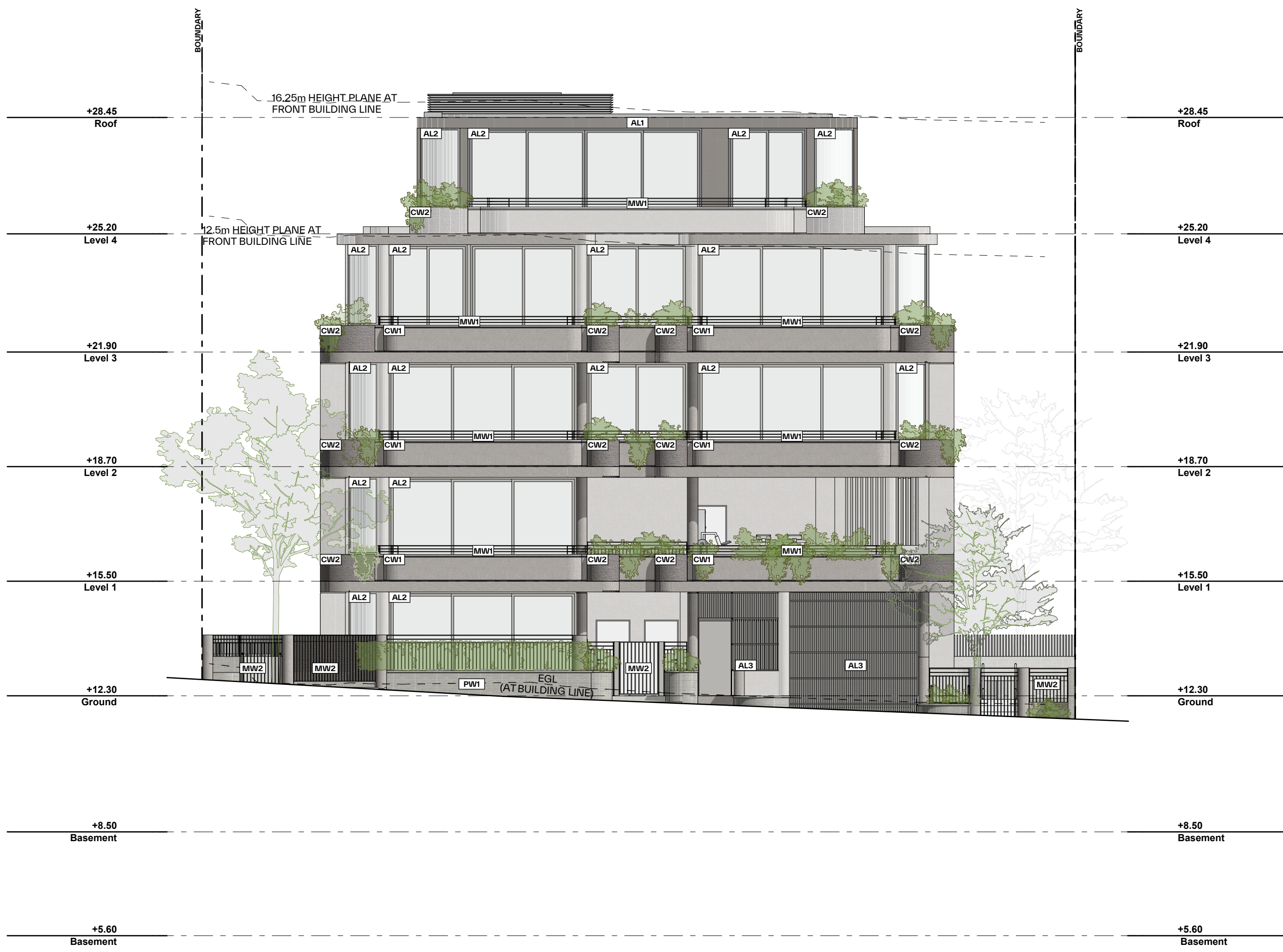
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PROJECT:
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88-90 Ramsgate Ave, Bondi Beach
CLIENT:
HSN Property

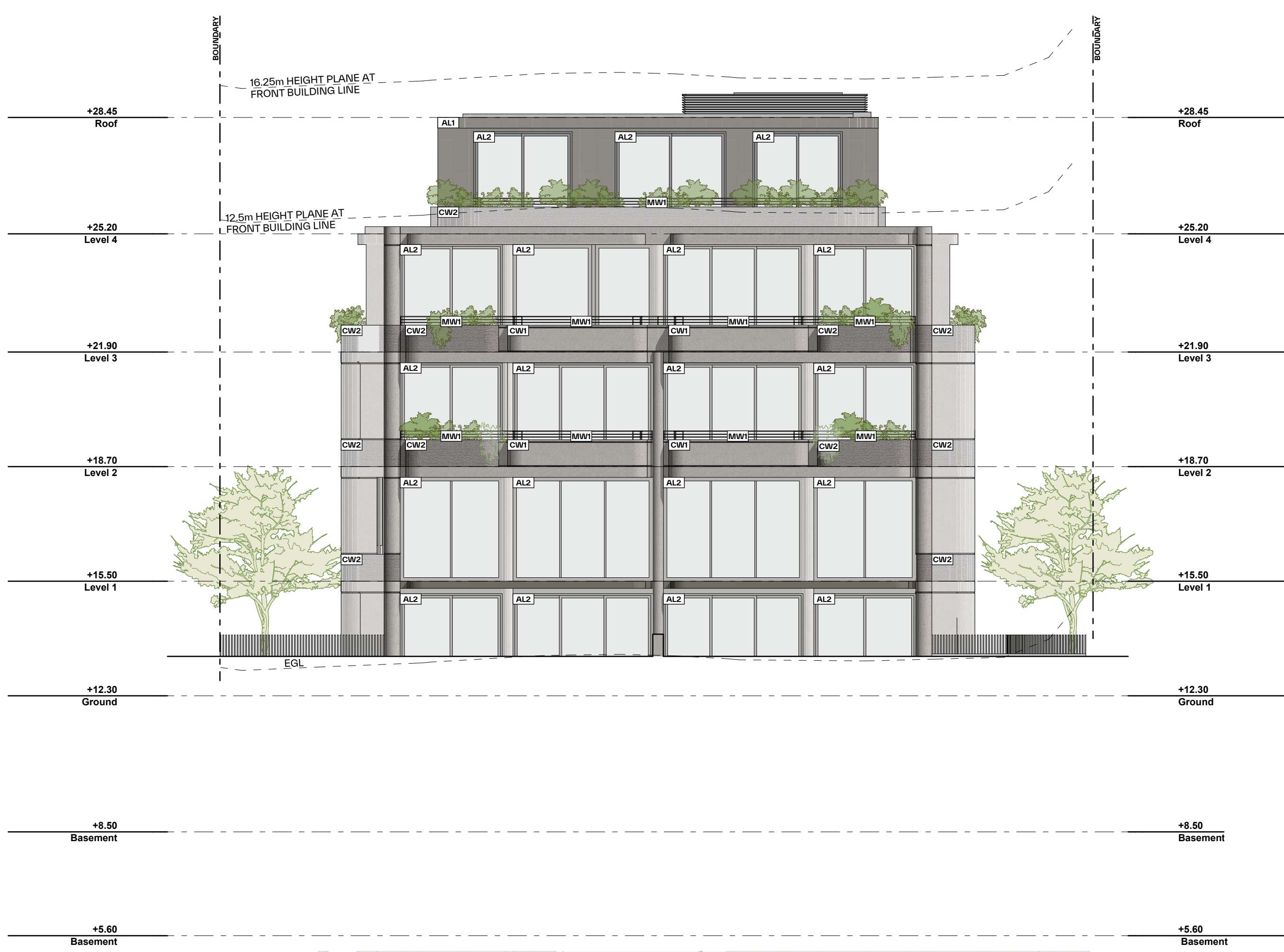
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DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 04-Apr-25
SCALE: 1:100@A1	DRAWING NO: DA200	ISSUE: 03
PROJECT NO: 2217		

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2 Elevation - South 1:100

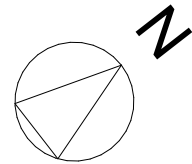
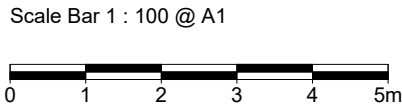


1 Elevation - North 1:100

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Application No: DA-563/2024
Date Received: 11/04/2025

GENERAL NOTES:
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P4	26-Jul-24	P4
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P6	11-Sep-24	P6
P7	20-Sep-24	P7
O1	11-Oct-24	O1
O2	11-Mar-25	O2
O3	28-Mar-25	O3



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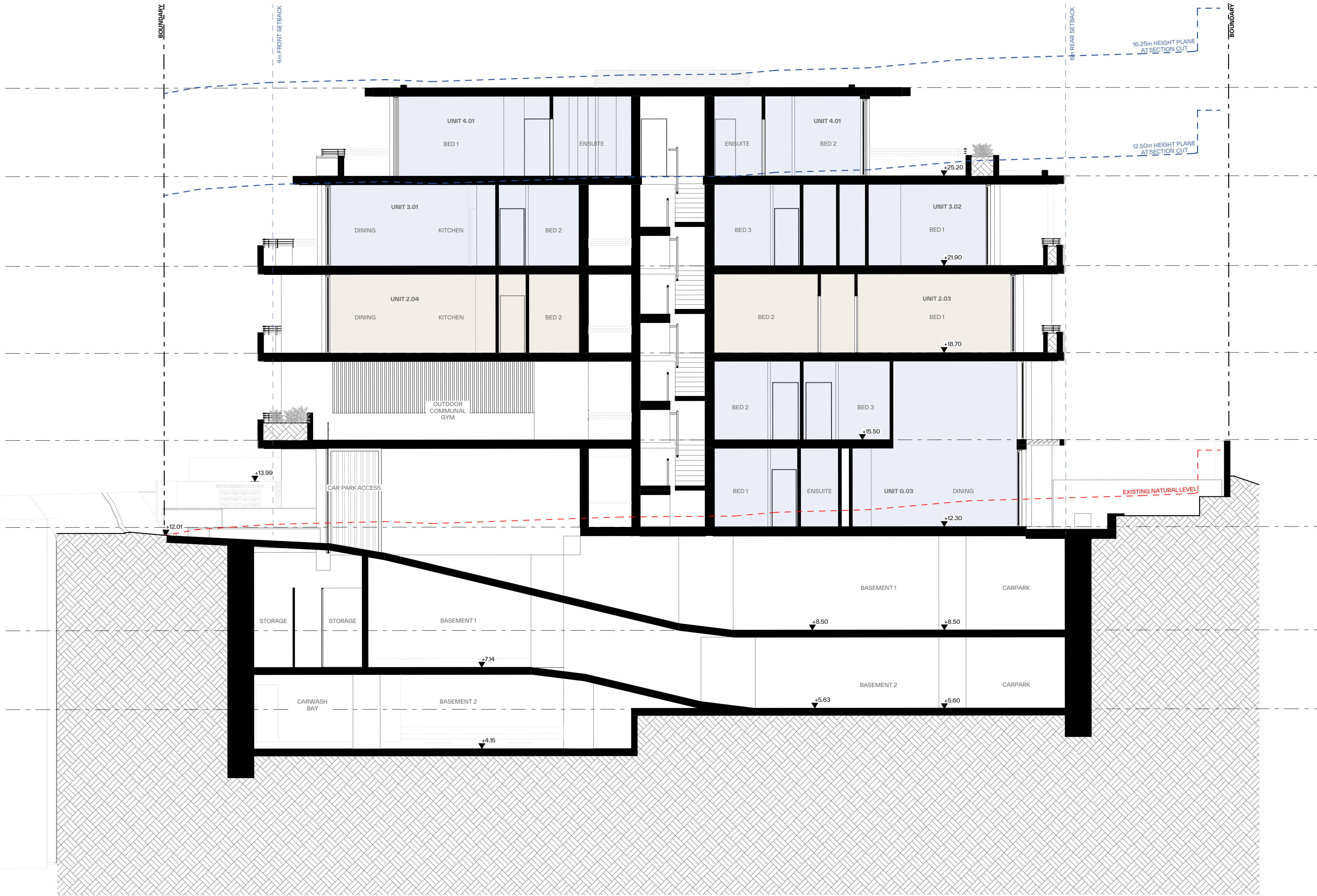
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Level 2, 52 Albion Street,
Surry Hills NSW 2010
ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach
CLIENT:
HSN Property

DRAWING TITLE:
Elevation Sheet 2

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 04-Apr-25
SCALE: 1:100@A1	DRAWING NO: DA201	ISSUE: 03
PROJECT NO: 2217		

AMENDED



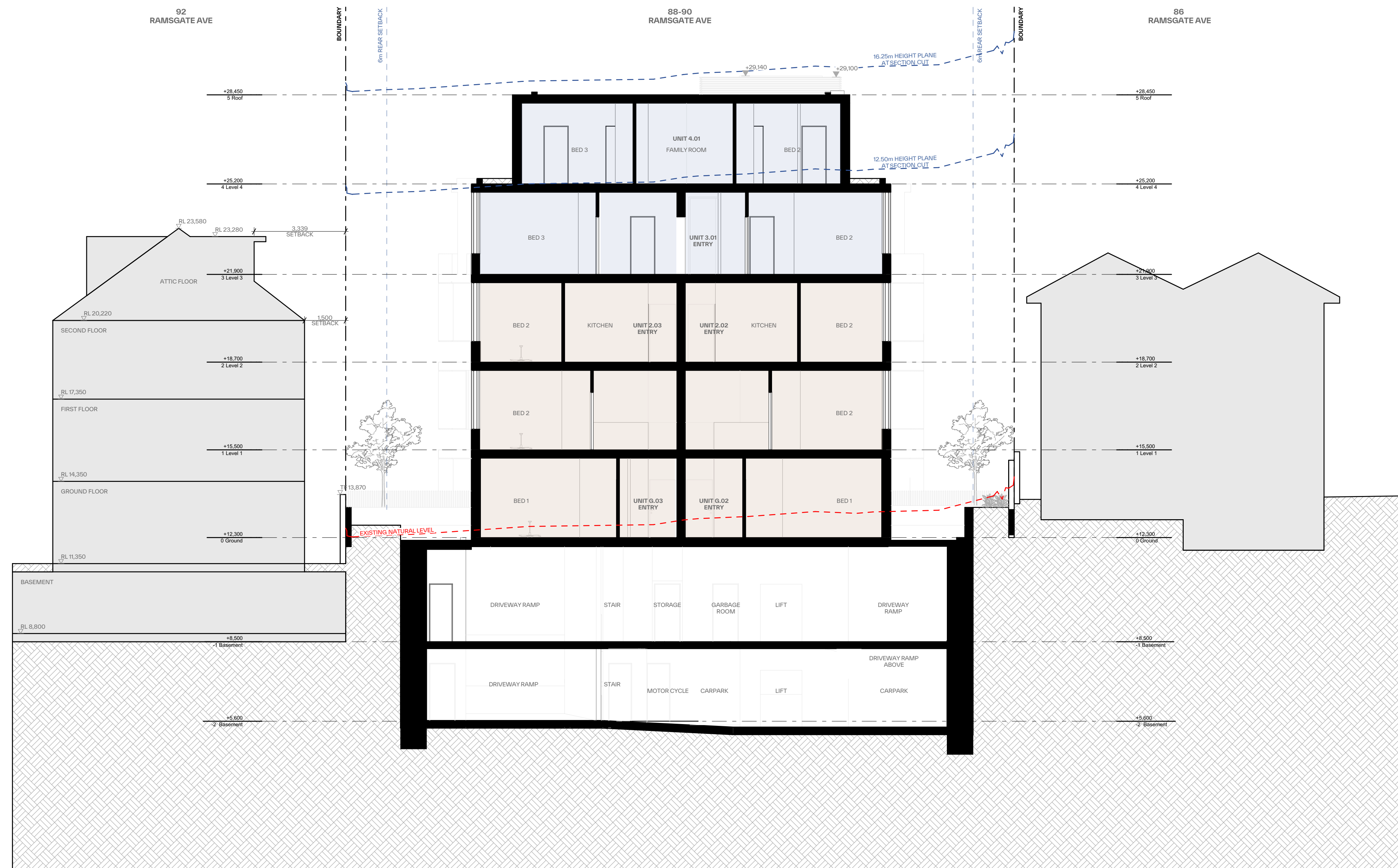
RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

3

Section C

1:100

AMENDED



1

Section B

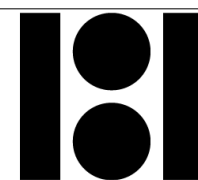
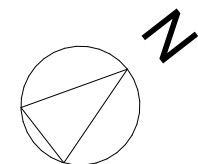
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P4	26-Jul-24	P4
P5	02-Aug-24	P5
P6	11-Sep-24	P11
P7	20-Sep-24	P12
01	11-Oct-24	01
02	11-Mar-25	02
03	28-Mar-25	03

Scale Bar 1 : 100 @ A1



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ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:

Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:

Section Sheet 2

DRAWING BY:
CV

SCALE:

1:100@A1

PROJECT NO:
2217

CHECKED BY:
Checked by FH

DRAINING NO.

DA301

DATE:
04-Apr-25

10015

03

AMENDED



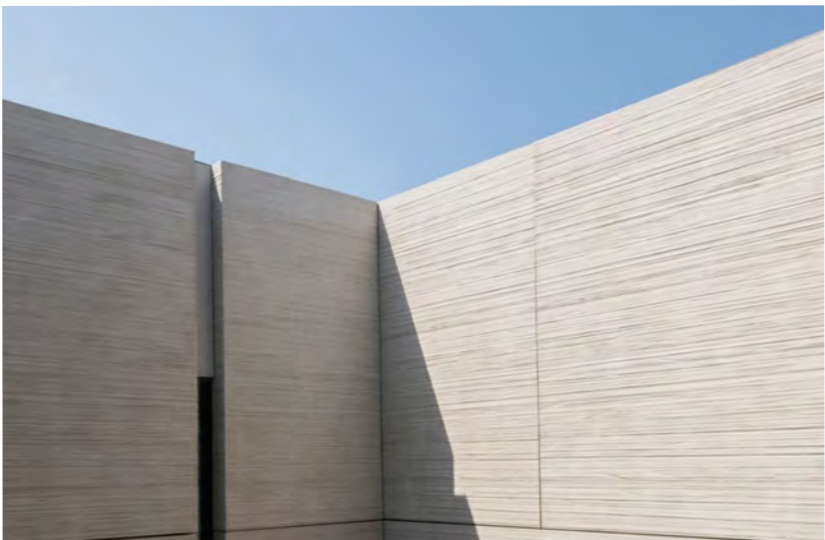
AL1 - FLATLOCK ALUMINIUM CLADDING:
aISPEC PROCLAD ALUMINIUM- DARK BRONZE
METALLIC OR SIMILAR



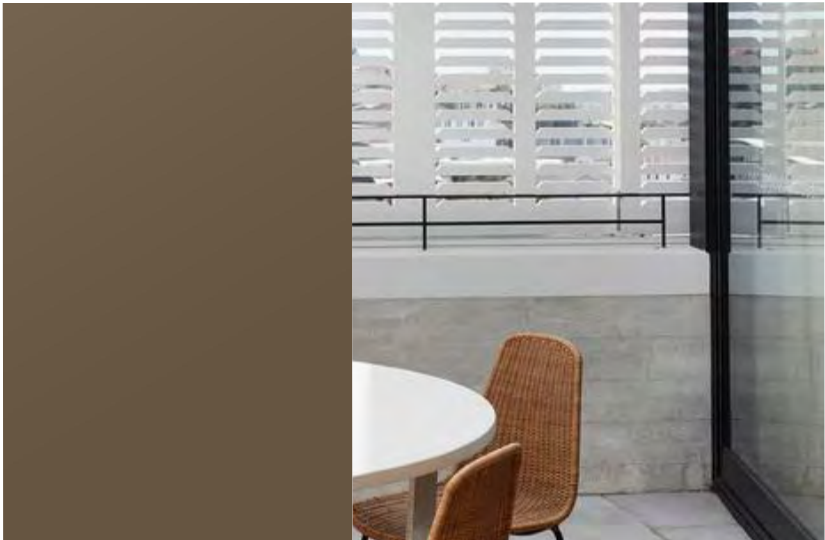
CW1 - EXTERNAL WALLS:
PRECAST CONCRETE SMOOTH OFF-FORM
LIGHT BEIGE FINISH



TS1 - TIMBER SOFFIT:
KNOTWOOD ALUMINIUM BATTENS - CHESNUT
TIMBER FINISH



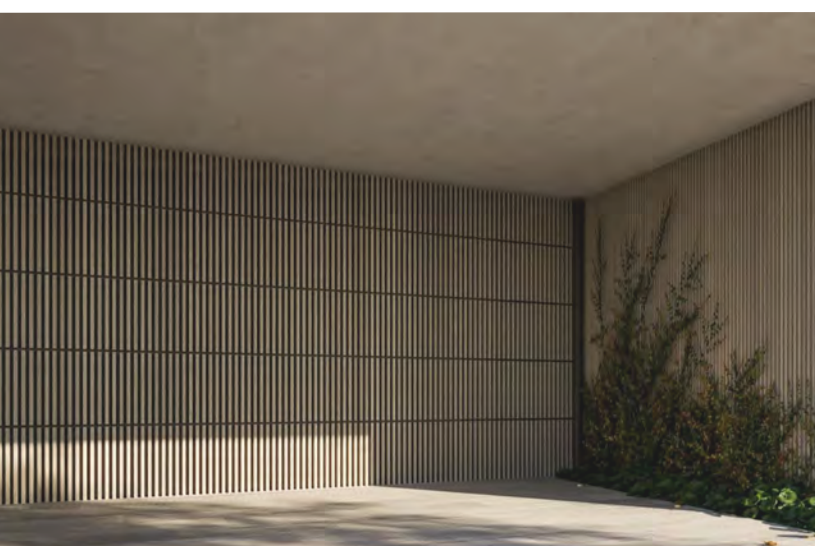
CW2 - PLANTER WALLS:
PRECAST CONCRETE - RECKLI RIBS & WAVES 1/37 B
RIB TYPE J



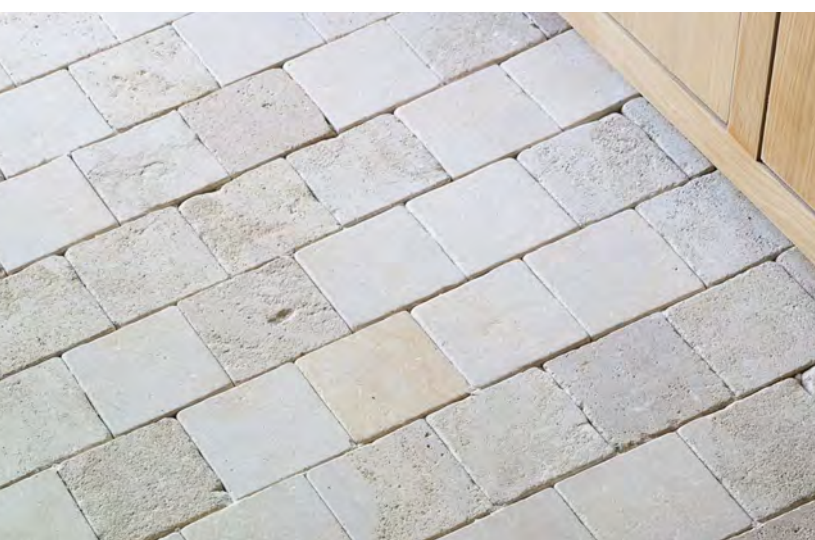
MW1 - BALCONY HAND RAILS:
MEDIUM BRONZE METAL WORK TO MATCH
ANODIZED ALUMINIUM FINISH



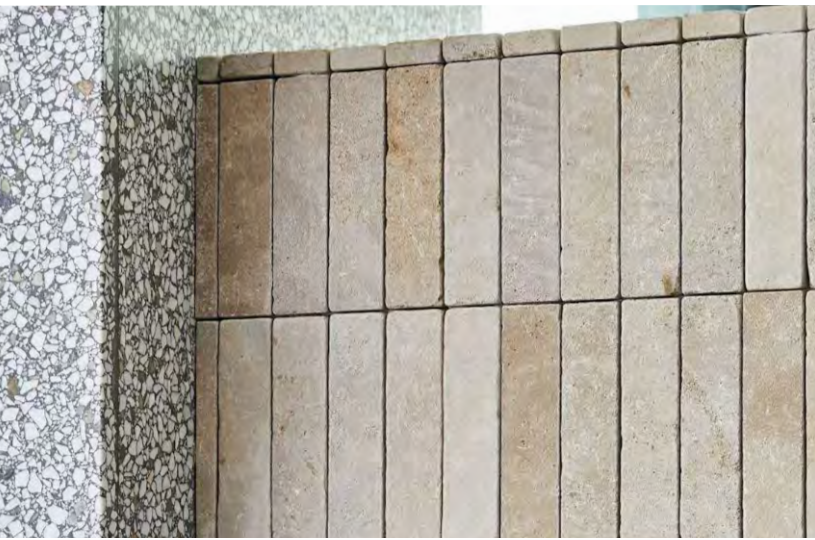
AL2 - WINDOW FRAMES:
ANODIZED ALUMINIUM [UNIVERSAL ANODISER] -
SATIN MEDIUM BRONZE



AL3 - CAR PARK ACCESS:
DOOR TO MATCH ANODIZED ALUMINIUM FINISH



SF1 - EXTERNAL FLOORS:
ECCOOUTDOOR - PENDELL COBBLESTONES RANGE



PW1 - STREET LEVEL PLANTER WALLS:
ECCOOUTDOOR - PENDELL FILETTI RANGE



MW2 - EXTERNAL FENCE/GATES:
MEDIUM BRONZE METAL WORK TO MATCH
ANODIZED ALUMINIUM FINISH



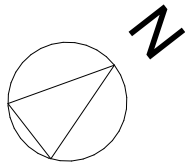
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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

GENERAL NOTES:

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Issue	Date	Description
01	26/08/2024	P1
02	11/09/2024	P11
03	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03

Scale Bar 1 : 100 @ A1



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Sunny Hills NSW 2010
ABN 36 147 035 550
Nominated Architect:
Paul Bujevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
Finishes Schedule

DRAWING BY:
CV

SCALE:
NTS

CHECKED BY:
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DRAWING NO:
DA400

DATE:
3/04/2025

ISSUE:
03

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Application No: DA-563/2024
Date Received: 11/04/2025



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LEGEND:

AW AWNING
AH ACCESS HATCH
AC A/C CONDENSER UNITS
FH FIRE HYDRANT
FHR FIRE HOSE REEL
FS FIRE STAIRS
GC GARBAGE CHUTE
HW HIGHLIGHT WINDOW
MV MECHANICAL RISER TO FUTURE DETAIL
MB MAIL BOX TO FUTURE DETAIL
R 240L RECYCLING BIN
SK SKYLIGHT
ST STORAGE
HWU HOT WATER UNITS

MATERIALS LEGEND:

AFG ALUMINIUM FRAMED GLAZING
LV ALUMINIUM ELLIPTICAL FIXED LOUVERS
AW AWNING (TO FUTURE DETAIL)
CONC CONCRETE
FB FACE BRICK
GB FRAMELESS TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
MB METAL BALUSTRADE
MC METAL CLADDING
FCE METAL FENCING (TO FUTURE SELECTION)
PC COMPOSITE PANEL CLADDING
PSX PRIVACY SCREEN (TO FUTURE SELECTION)
PTX PAINT FINISH TYPE X
RD ROLLER DOOR
RP RIVER PEBBLES
RW RENDERED FINISH/SELECTED PAINT FINISH
TC TIMBER CLADDING
VB EXTERNAL VENETIAN BLINDS

Issue	Date	Description
01	11/01/2024	01
02	11/03/2025	02
03	28/03/2025	03

CLIENT:
HSN Property



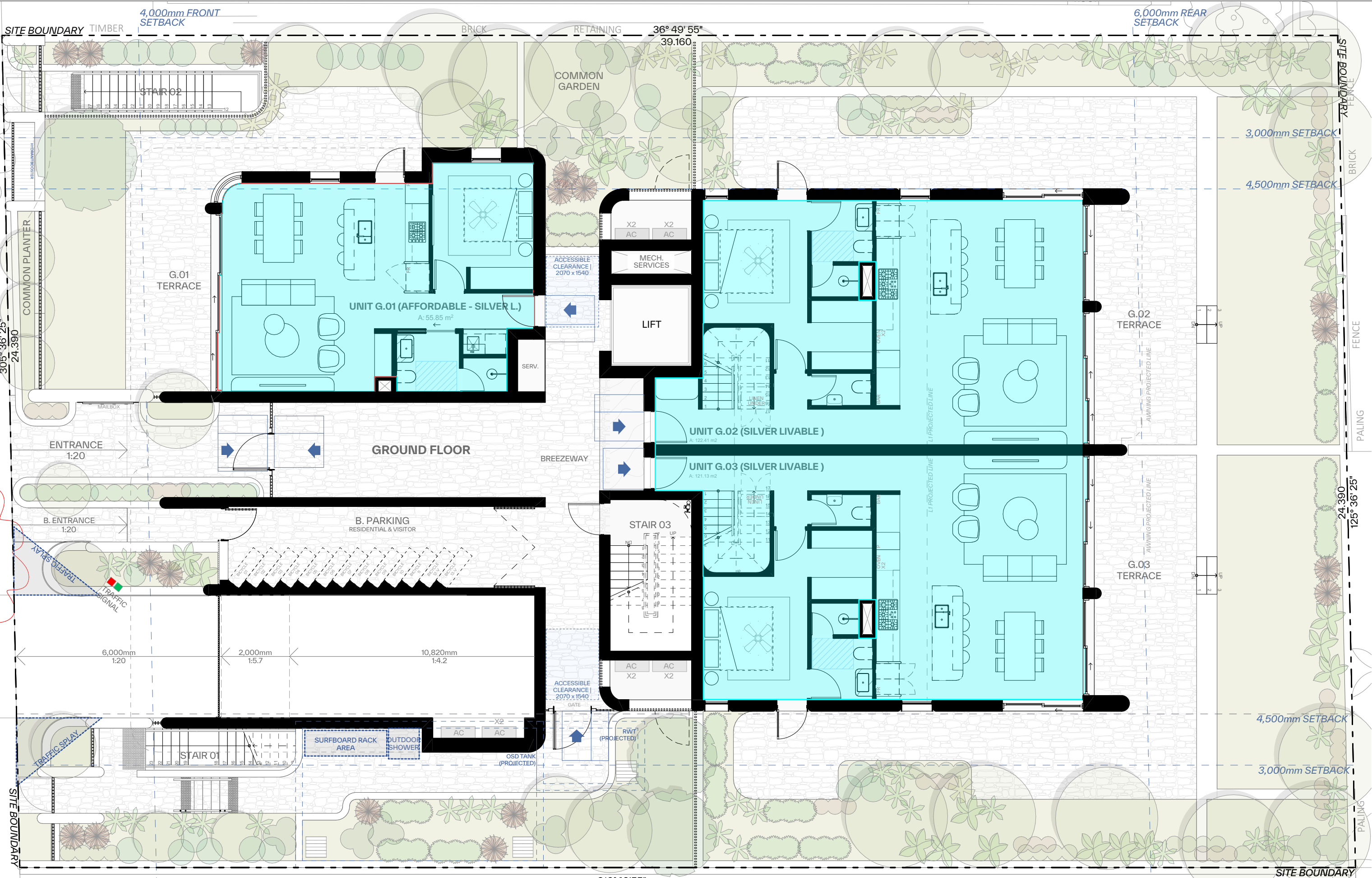
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Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

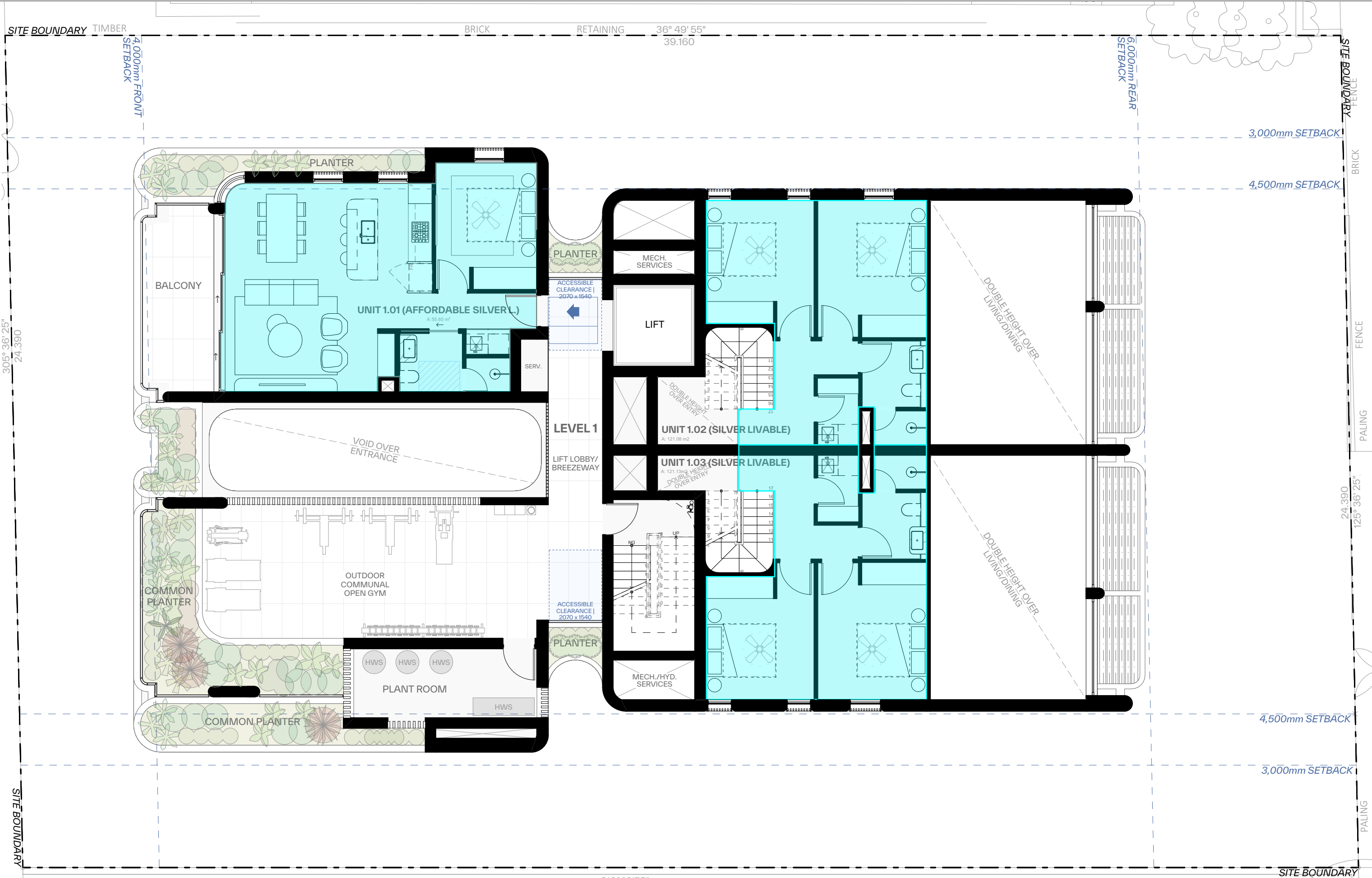
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DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: NTS	DRAWING NO:	ISSUE:
PROJECT NO: 2217	DA410	03



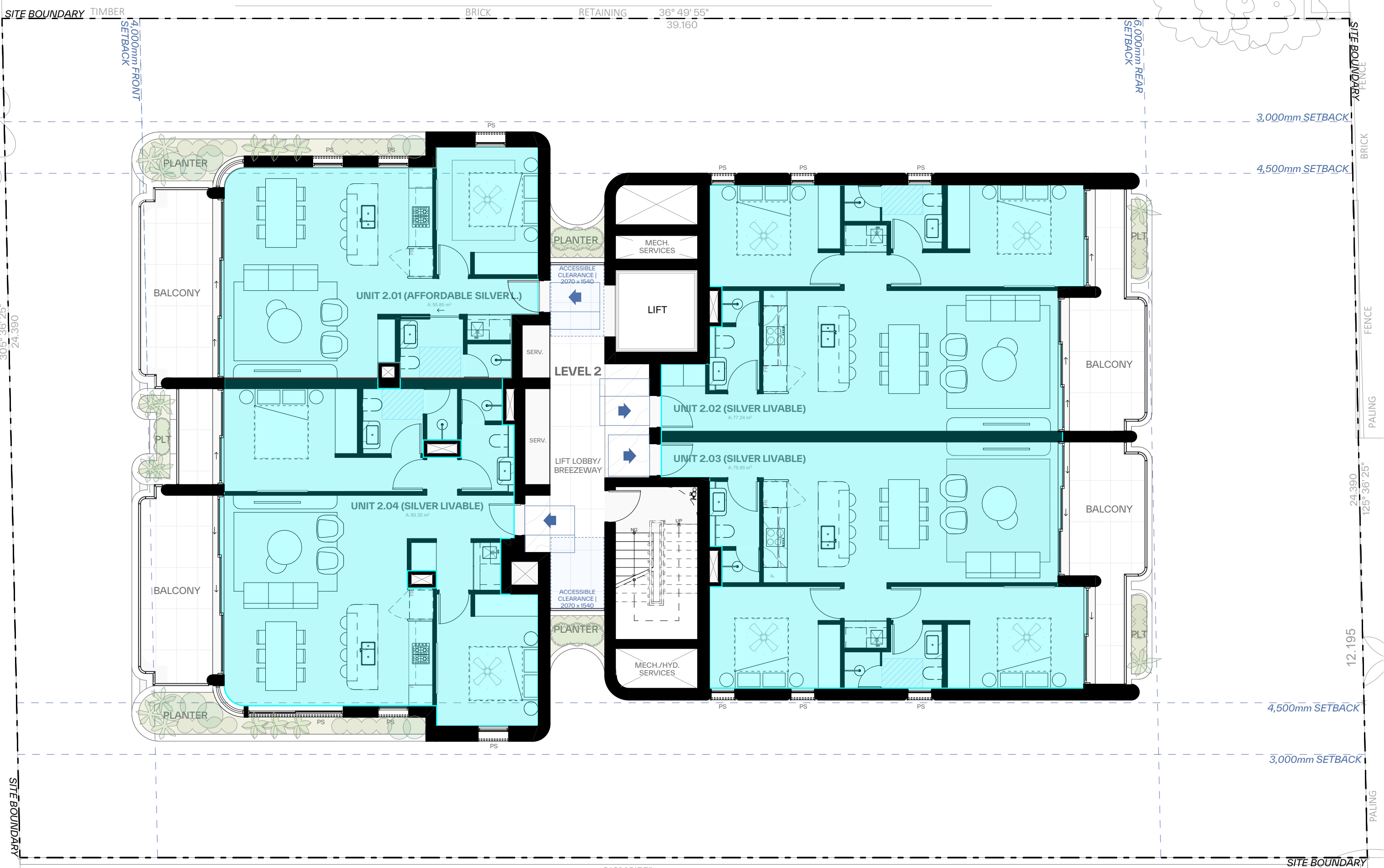
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Level 1

1:100



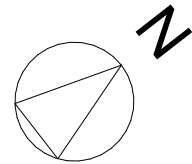
Level 2

1:100

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Issue	Date	Description
P7	6/08/2024	P7
P8	11/09/2024	P11
P9	20/09/2024	P12
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

Scale Bar 1 : 100 @ A1



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ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
GFA Diagram - Sheet 1

DRAWING BY:
CV
SCALE:
1:100@A1
PROJECT NO:
2217

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Checked by FH
DRAWING NO:
DA500

DATE:
3/04/2025
ISSUE:
03

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Application No: DA-563/2024
Date Received: 11/04/2025

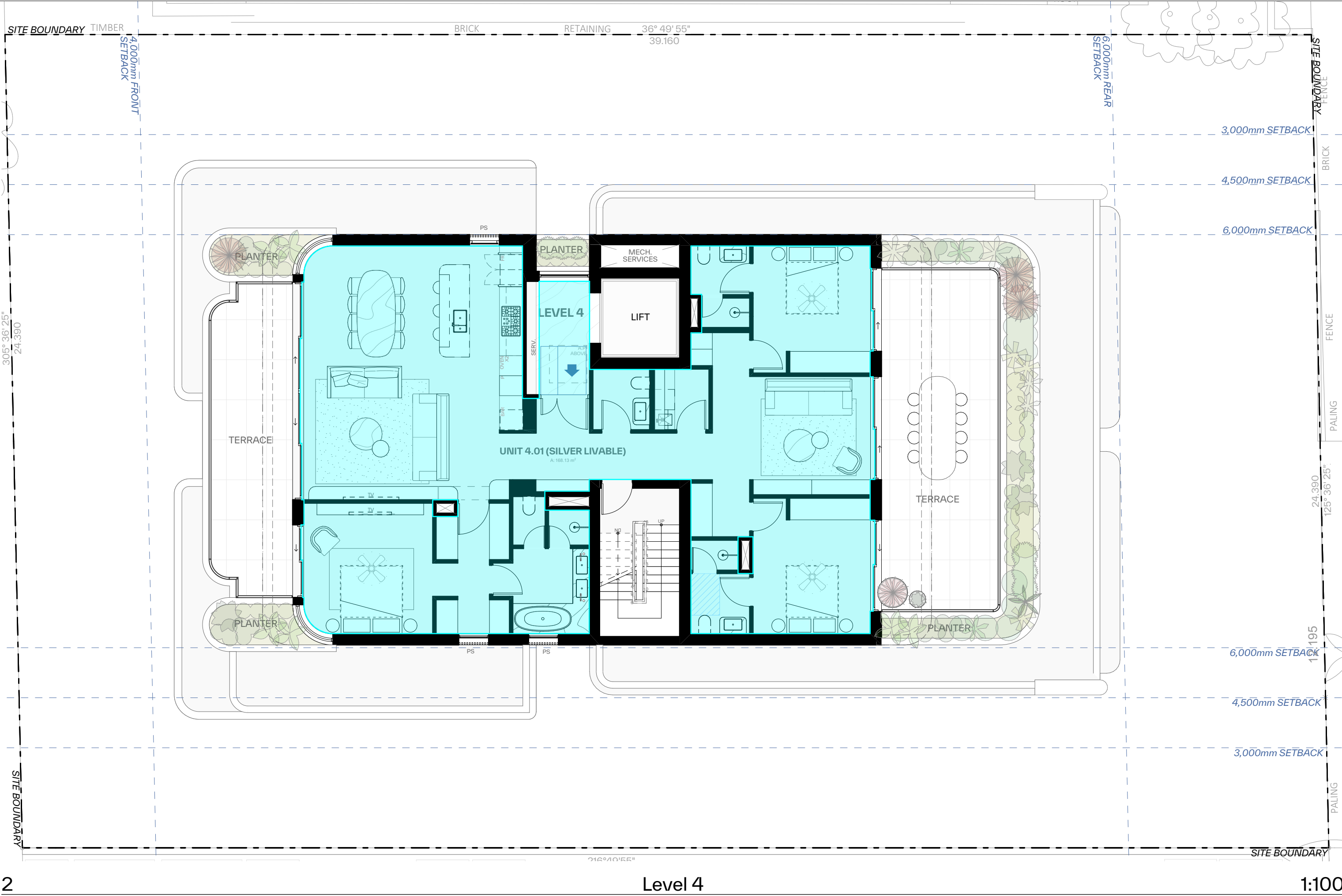
AMENDED

PROPERTY DETAILS: (m ²)	
SITE AREA: 954.8	
SITE ZONE: R3 - Medium Density Residential	
LEGEND:	
	GROSS FLOOR AREA
	GROSS FLOOR AREA (AFFORDABLE UNITS)
AFFORDABLE GROSS FLOOR AREA	
Ground	55.9
Level 1	55.9
Level 2	55.9
	167.7 m²
GROSS FLOOR AREA	
Ground	223.3
Level 1	137.0
Level 2	296.1
Level 3	293.6
Level 4	167.2
	1,117.2 m²



Level 3

1:100



Level 4

1:100

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Application No: DA-563/2024
Date Received: 11/04/2025

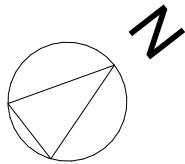
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Scale Bar 1 : 100 @ A1

0 1 2 3 4 5m



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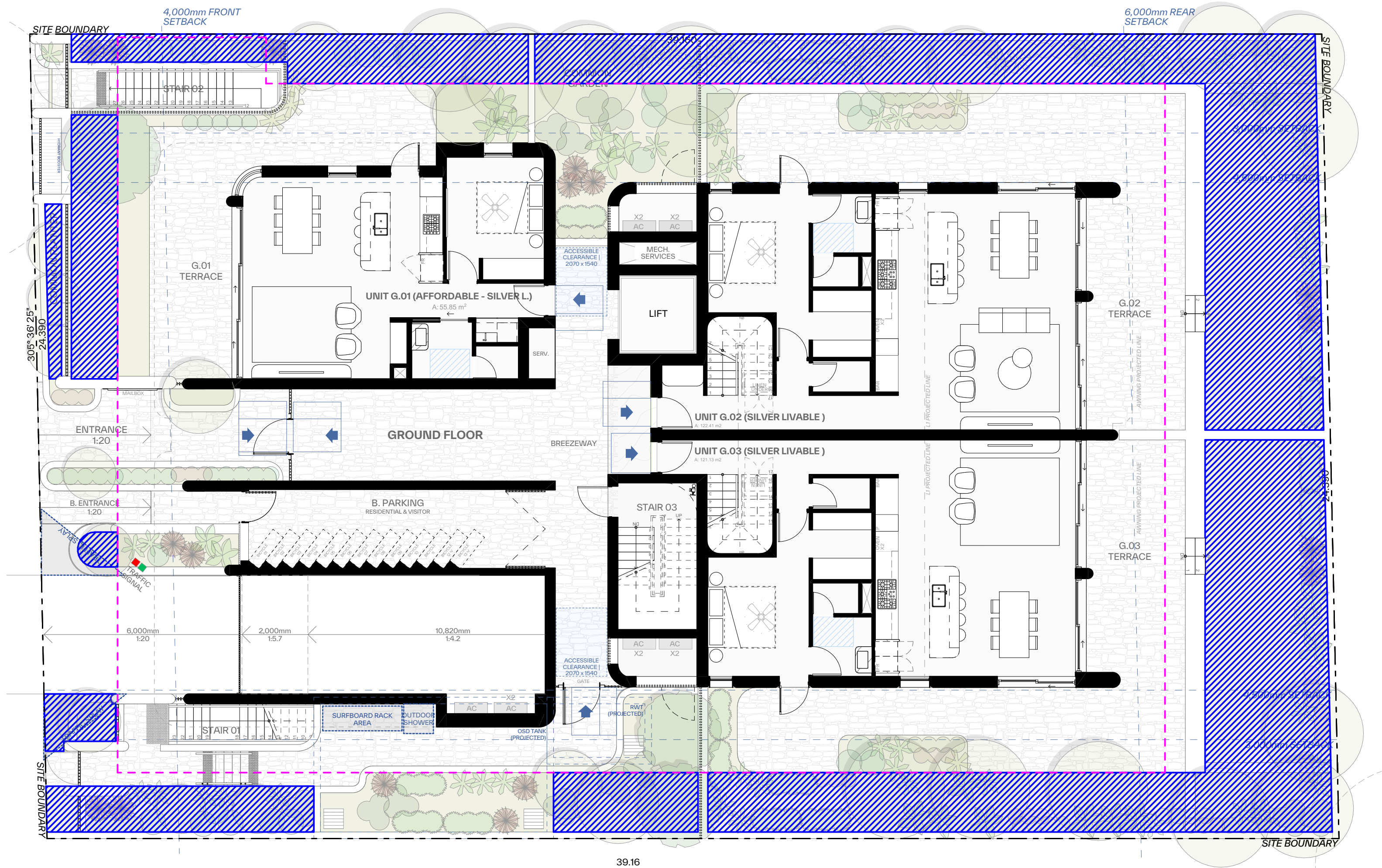
DRAWING TITLE:
GFA Diagram - Sheet 2

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:100@A1	DRAWING NO: DA501	ISSUE: 03
PROJECT NO: 2217		

PROPERTY DETAILS: (m²)	
SITE AREA: 954.8	
SITE ZONE: R3 - Medium Density Residential	
LEGEND:	
	GROSS FLOOR AREA
	GROSS FLOOR AREA (AFFORDABLE UNITS)
AFFORDABLE GROSS FLOOR AREA	
Ground	55.9
Level 1	55.9
Level 2	55.9
	167.7 m²
GROSS FLOOR AREA	
Ground	223.3
Level 1	137.0
Level 2	296.1
Level 3	293.6
Level 4	167.2
	1,117.2 m²

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Application No: DA-563/2024
Date Received: 11/04/2025

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1

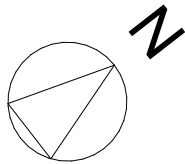
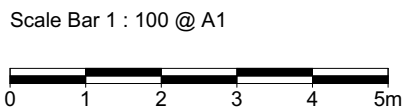
Ground

1:100

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Issue	Date	Description
P7	6/08/2024	P7
P8	11/09/2024	P11
P9	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03



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Level 2, 52 Abdon Street,
Surry Hills NSW 2010
ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach
CLIENT:
HSN Property

DRAWING TITLE:
Deep Soil Diagram

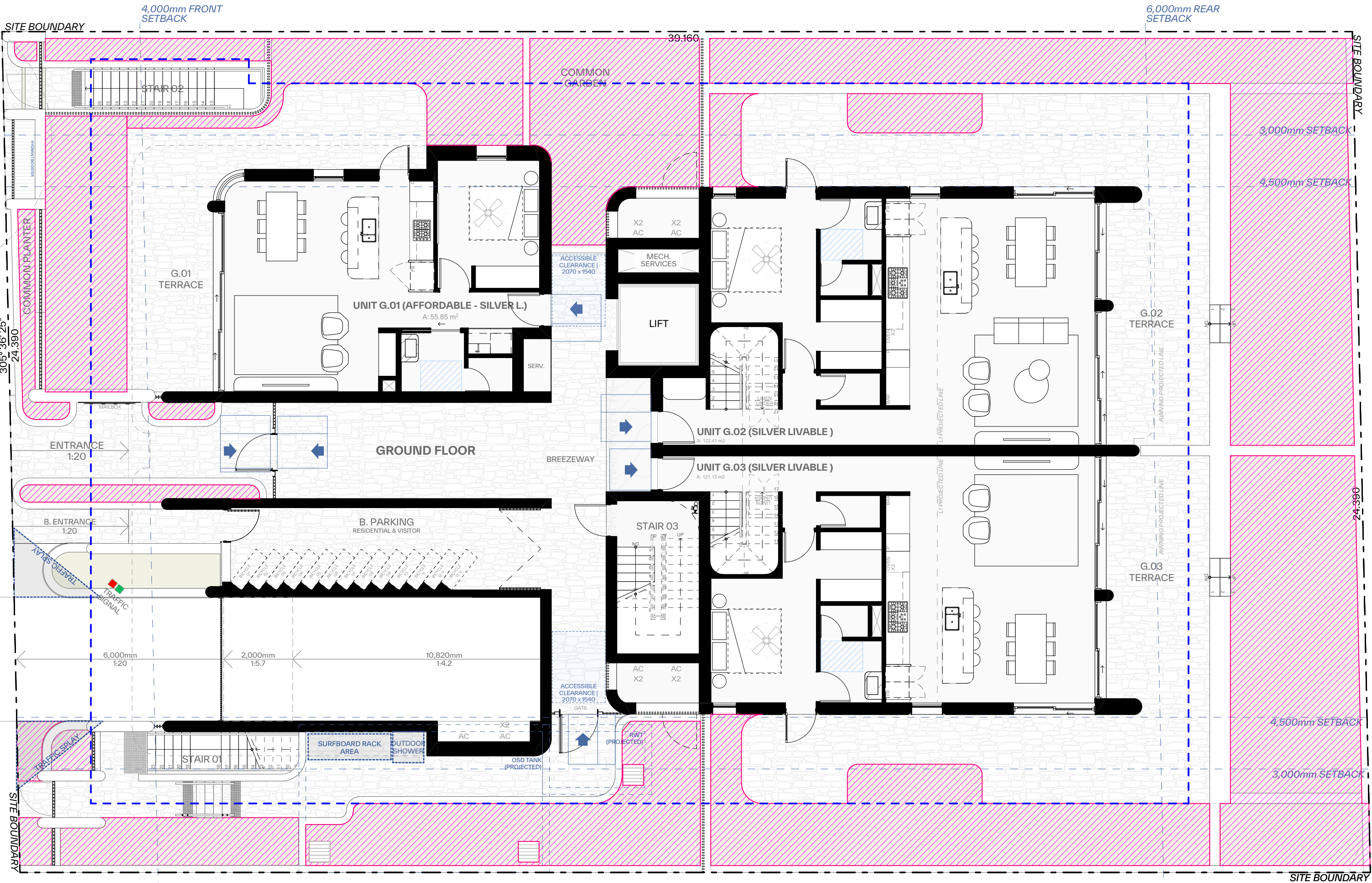
DRAWING BY:
CV
SCALE:
1:100@A1
PROJECT NO:
2217

CHECKED BY:
Checked by FH
DRAWING NO:
DA510

DATE:
3/04/2025
ISSUE:
03

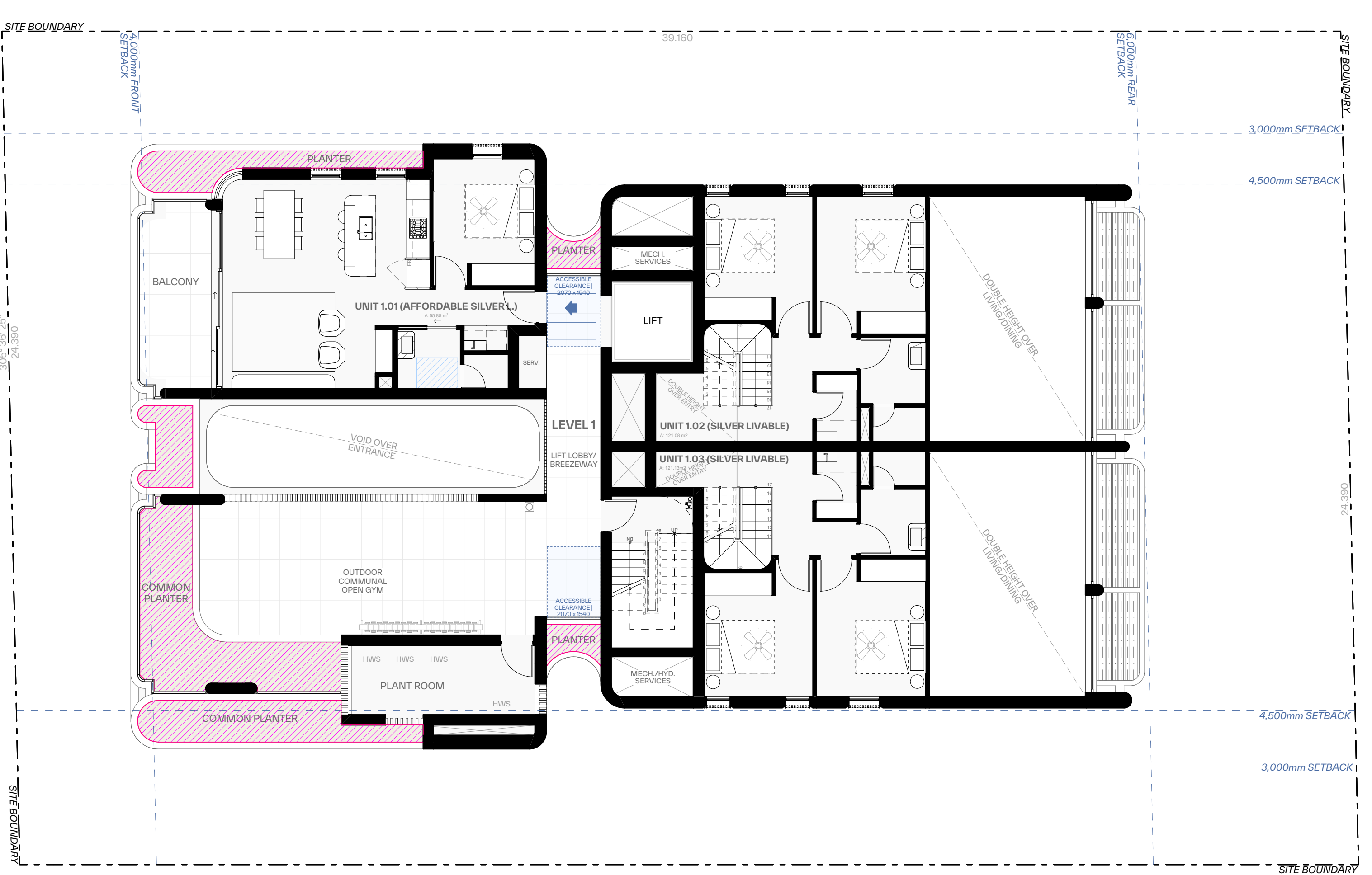
DEEP SOIL
Site area that is not built on, or underneath, thereby leaving an area of deep soil for deep-rooted vegetation, native vegetation and natural drainage. The zone must have a minimum dimension of 2 by 2 metres and should be positioned to enable the retention of existing mature and / or significant trees.
REQUIREMENT
50% of the landscaped area must be deep soil zone.
PROPERTY DETAILS: (m²)
SITE AREA: 954.8m²
SITE ZONE: R3 - Medium Density Residential
LEGEND:
DEEP SOIL AREA
EXTENT OF BASEMENT AREA

DEEP SOIL AREA SUMMARY		
LEVEL	REQUIRED	AREA
Ground		1.2



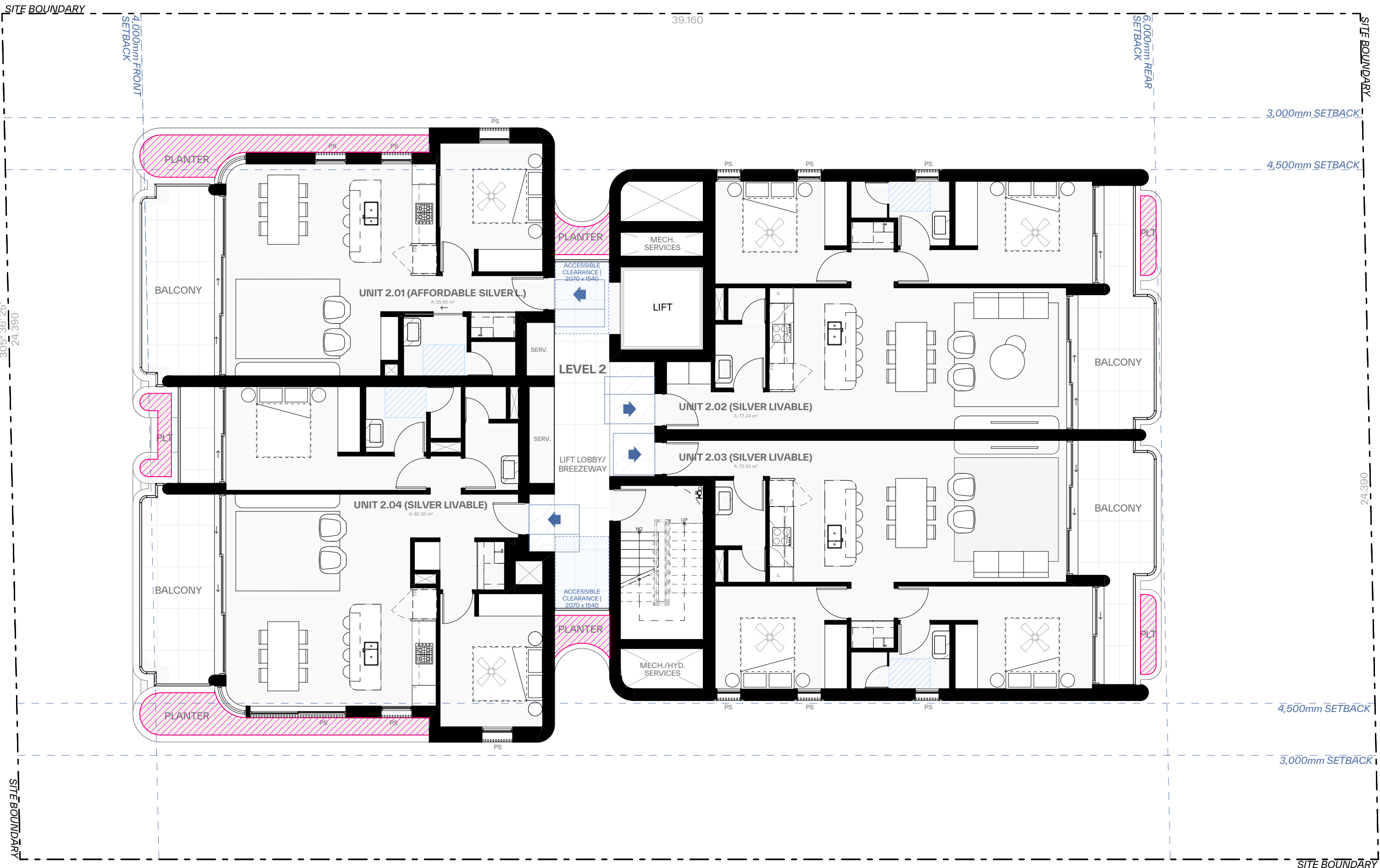
Ground

1:100



Level 1

1:100



Level 2

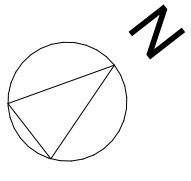
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Issue	Date	Description
P7	6/08/2024	P7
P8	11/09/2024	P11
P9	20/09/2024	P12
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

Scale Bar 1 : 100 @ A1



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Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach
CLIENT:
HSN Property

DRAWING TITLE:
Landscape Diagram

DRAWING BY:
CV
SCALE:
1:100@A1
PROJECT NO:
2217

CHECKED BY:
Checked by FH
DRAWING NO:
DA520

DATE:
3/04/2025
ISSUE:
03

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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

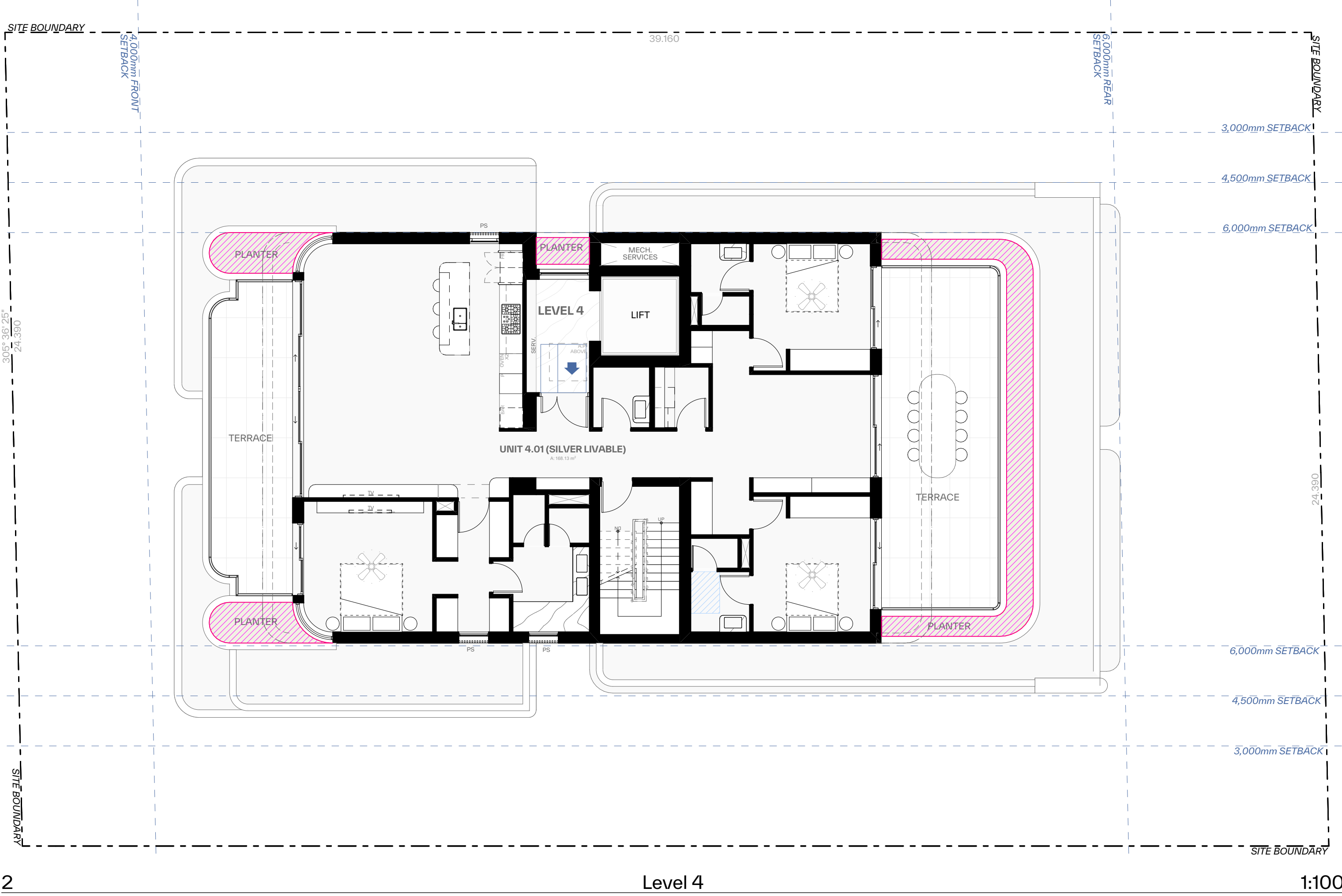
AMENDED

LANDSCAPING (CLAUSE 2.9, PART C - RESIDENTIAL DEVELOPMENT, DCP 2022, WVERLY COUNCIL) A part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.	
PROPERTY DETAILS (m²) SITE AREA: 954.8 SITE ZONE: R3 - Medium Density Residential	
LEGEND: LANDSCAPE AREA EXTENT OF BASEMENT AREA	
LANDSCAPE AREA	
LEVEL	PROPOSED
Ground	257.9
Level 1	34.7
Level 2	17.9
Level 3	21.1
Level 4	21.3
	352.9 m²



Level 3

1:100



Level 4

1:100

AMENDED

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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

LANDSCAPING (CLAUSE 2.9, PART C - RESIDENTIAL DEVELOPMENT, DCP 2022, WVERLY COUNCIL)
A part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

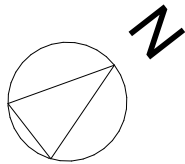
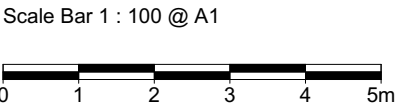
PROPERTY DETAILS: (m²)
SITE AREA: 954.8
SITE ZONE: R3 - Medium Density Residential

LEGEND:
LANDSCAPE AREA
EXTENT OF BASEMENT AREA

LANDSCAPE AREA	
LEVEL	PROPOSED
Ground	257.9
Level 1	34.7
Level 2	17.9
Level 3	21.1
Level 4	21.3
352.9 m²	

GENERAL NOTES:
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P8	11/09/2024	P11
P9	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03



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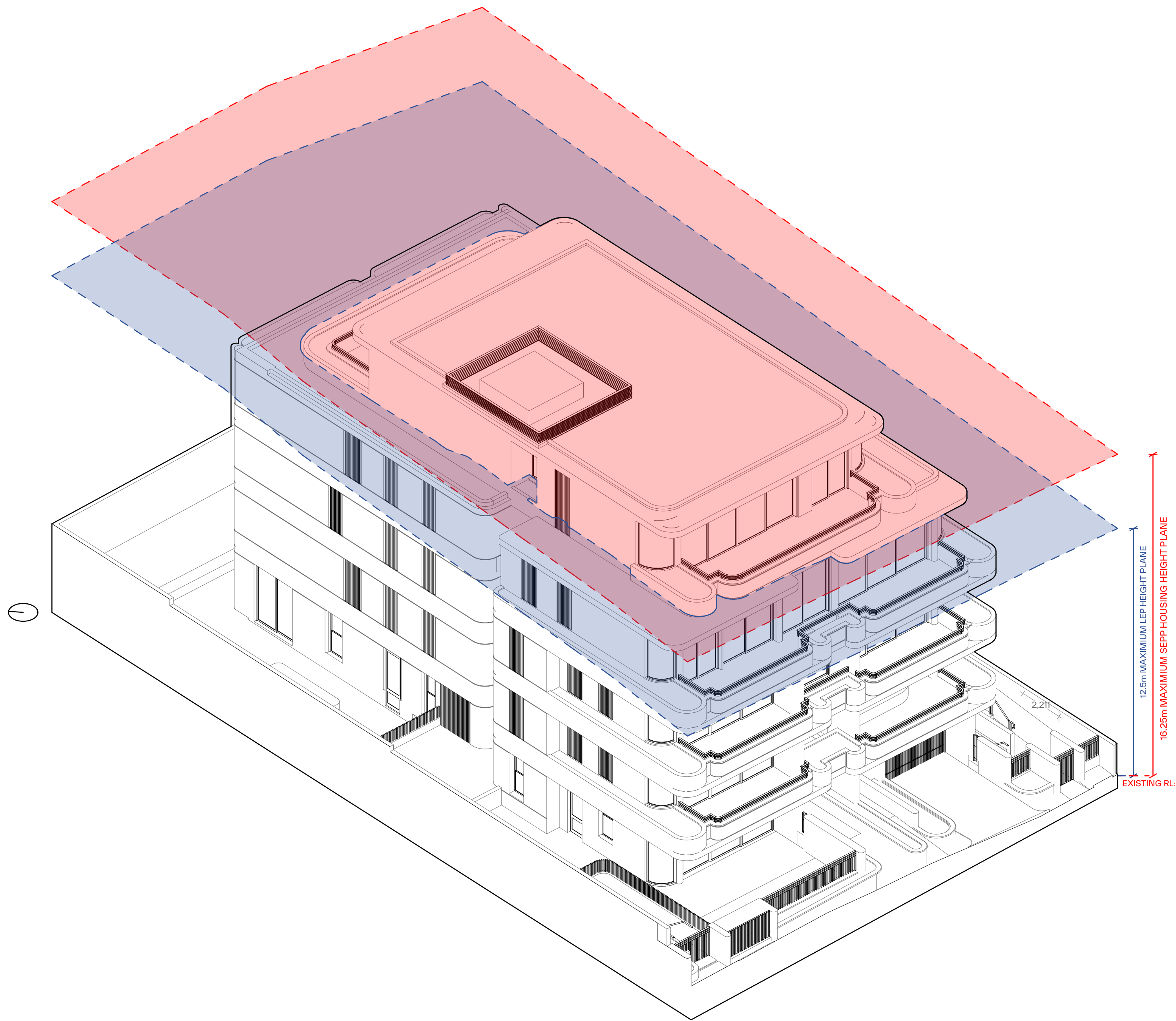
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ABN 36 147 035 550
Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach
CLIENT:
HSN Property

DRAWING TITLE:
Landscape Diagram

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:100@A1	DRAWING NO: DA521	ISSUE: 03
PROJECT NO: 2217		

AMENDED



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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

1

Height Limit Diagram

1:150

PROPERTY DETAILS: (m²)
SITE AREA: 954.8
SITE ZONE: R3 - Medium Density Residential

LEGEND:
DCP MAX HEIGHT PLANE
SEPP HOUSING MAX HEIGHT PLANE
NON COMPLIANT AREA

GENERAL NOTES:

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P7	6/08/2024	P7
P8	11/09/2024	P11
P9	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03



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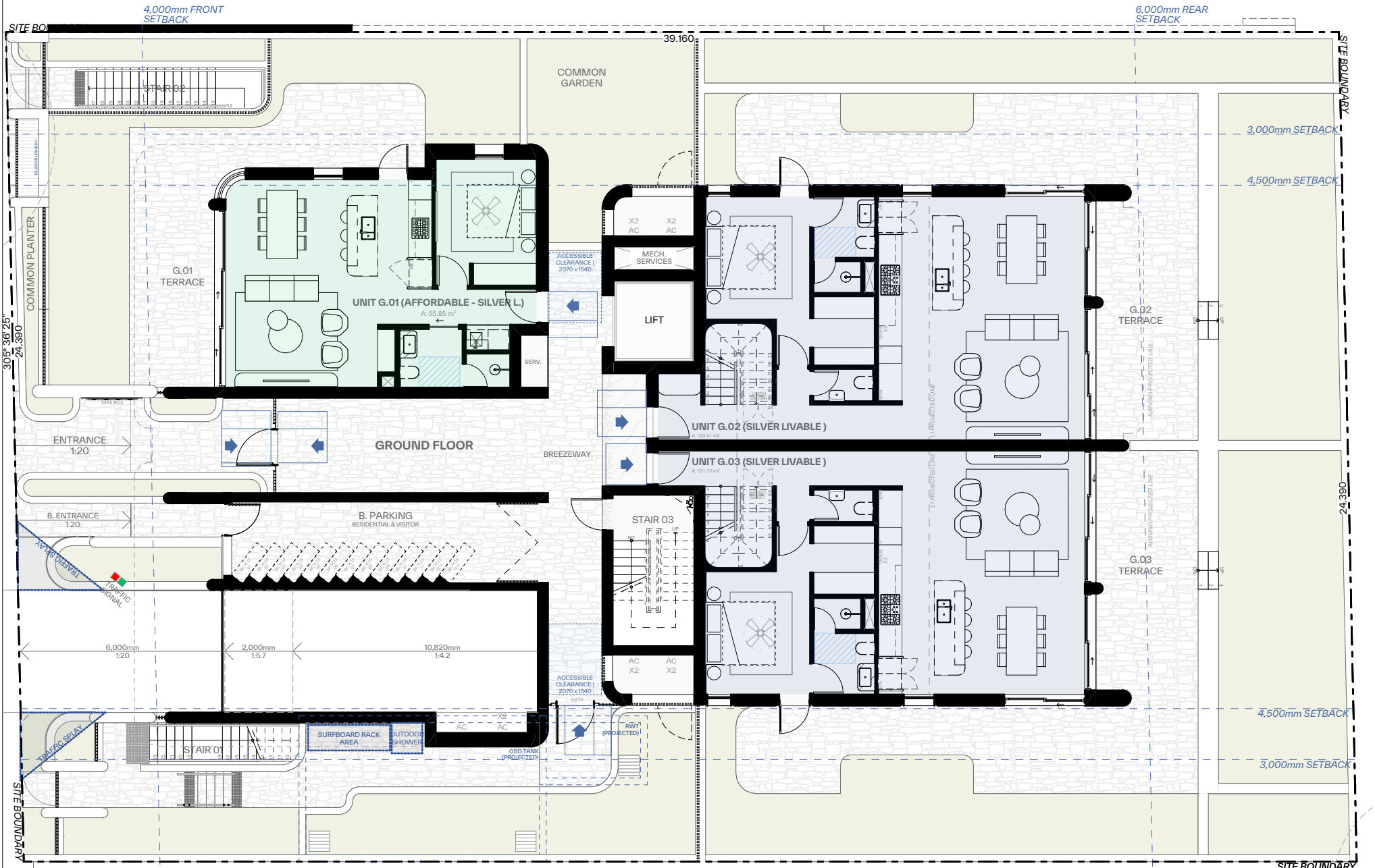
PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
Height Limit Diagram

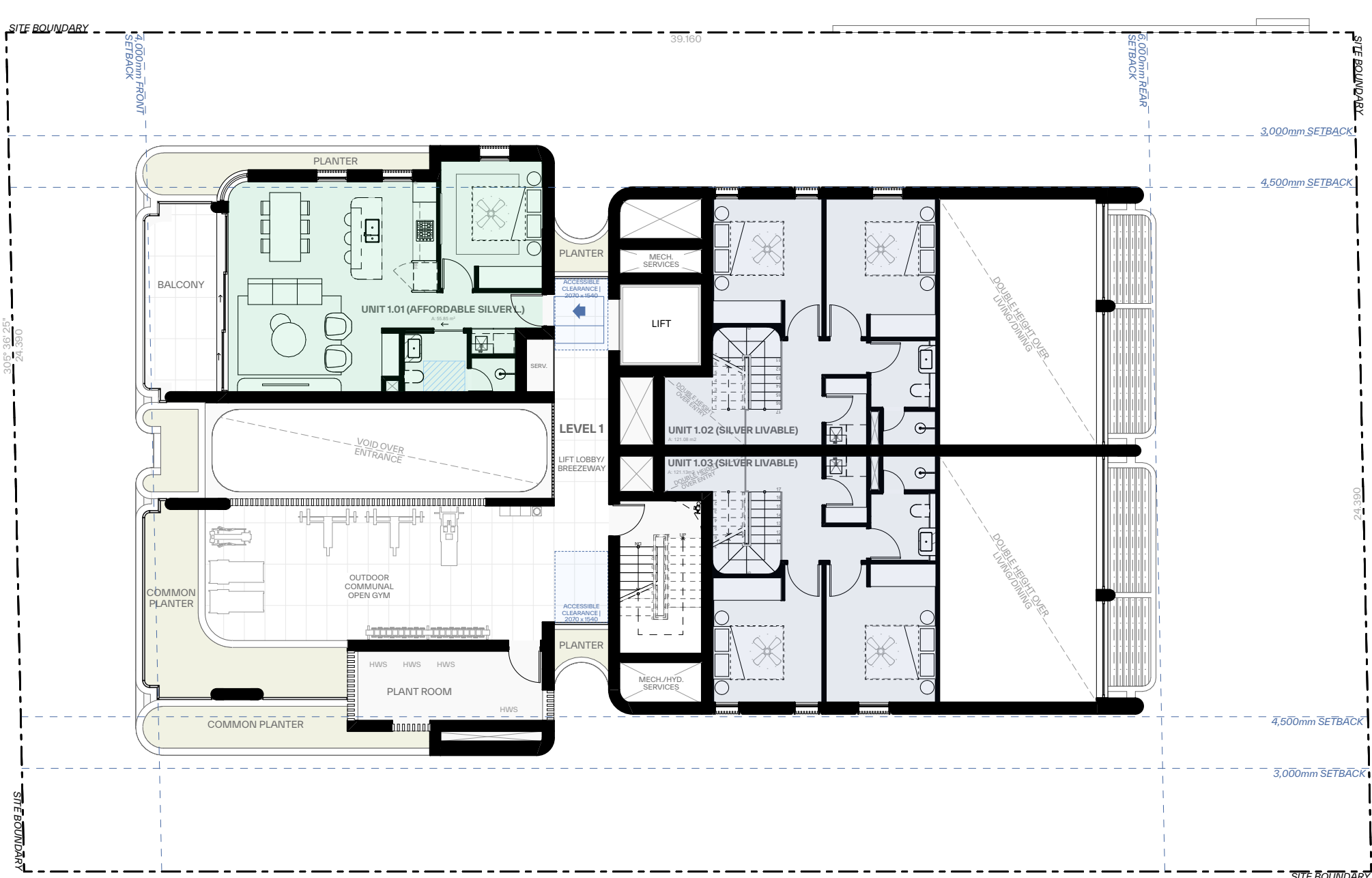
DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:150@A1	DRAWING NO: DA530	ISSUE: 03
PROJECT NO: 2217		

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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025



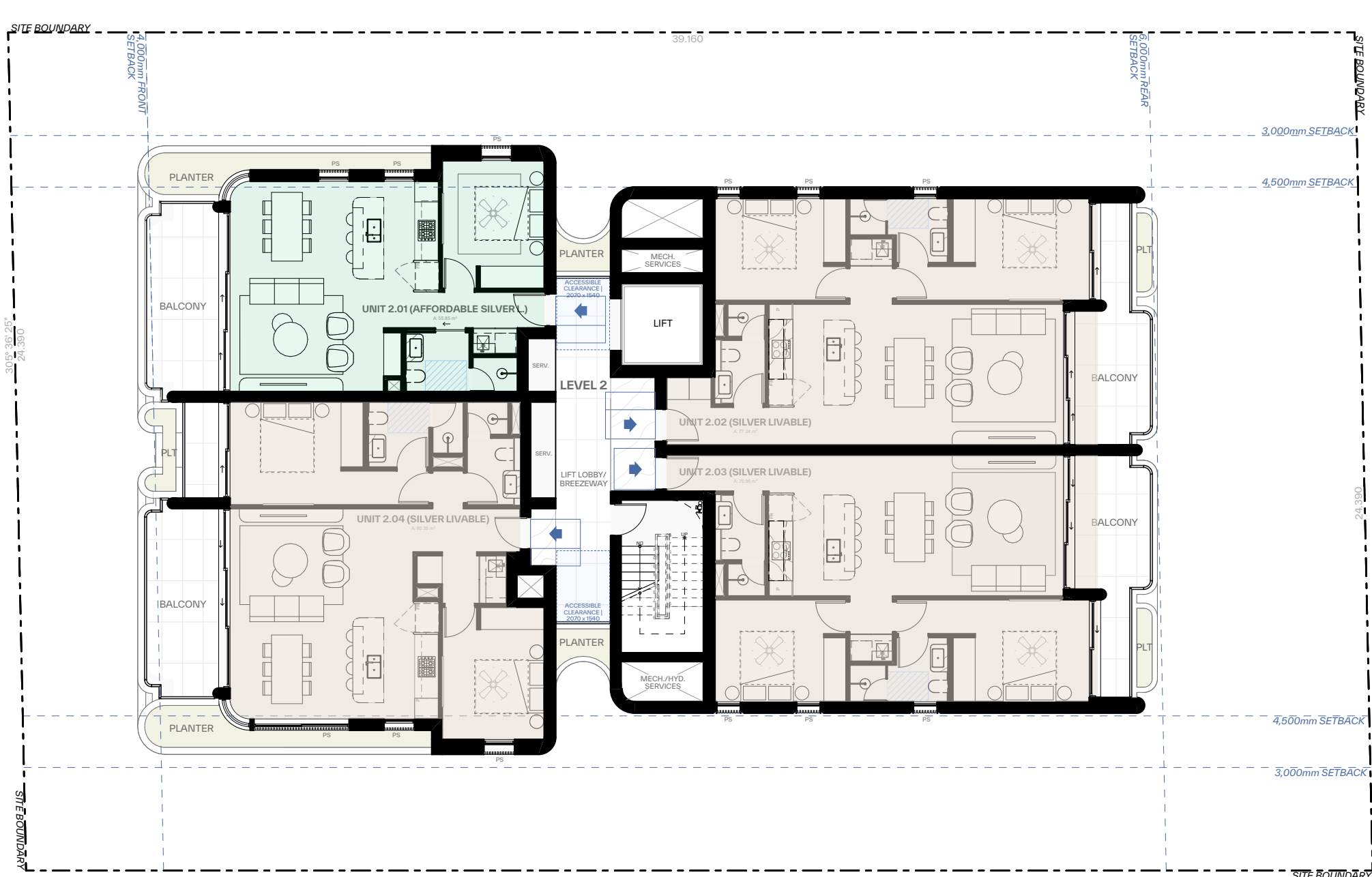
Ground

1:150



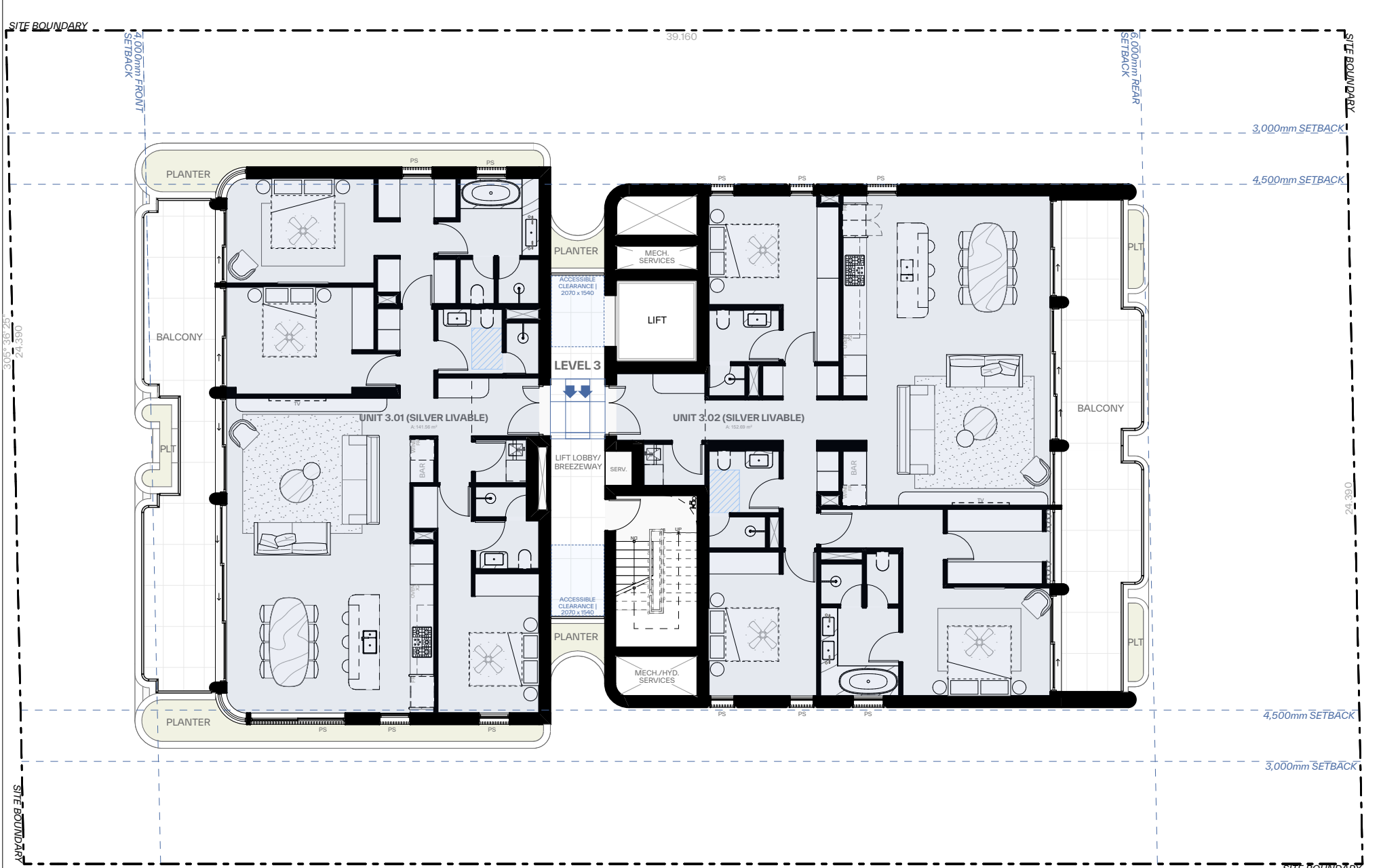
Level 1

1:150



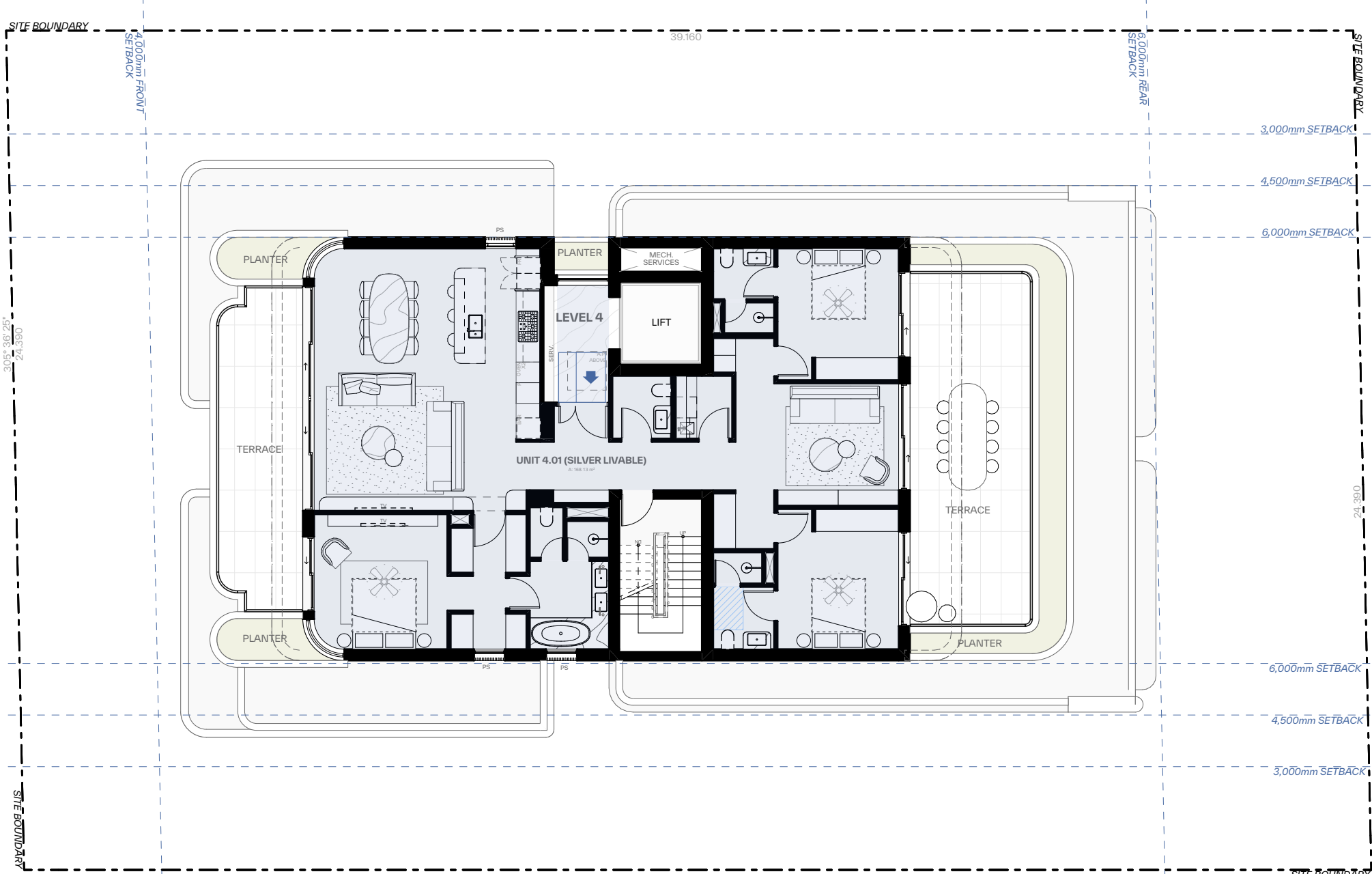
Level 2

1:150



Level 3

1:150



Level 4

1:150

- 1-BED UNITS
- 2-BED UNITS
- 3-BED UNITS

UNIT MIX				
Level	1 Bed	2 Bed	3 Bed	Total
Ground Floor	1	-	2	3
Level 1	1	-	-	1
Level 2	1	3	-	4
Level 3	-	-	2	2
Level 4	-	-	1	1
Total	3	3	5	11
	27%	27%	45%	100%

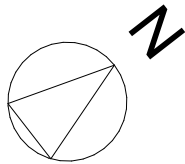
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Issue	Date	Description
01	11/09/2024	P1
02	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03

Scale Bar 1 : 100 @ A1

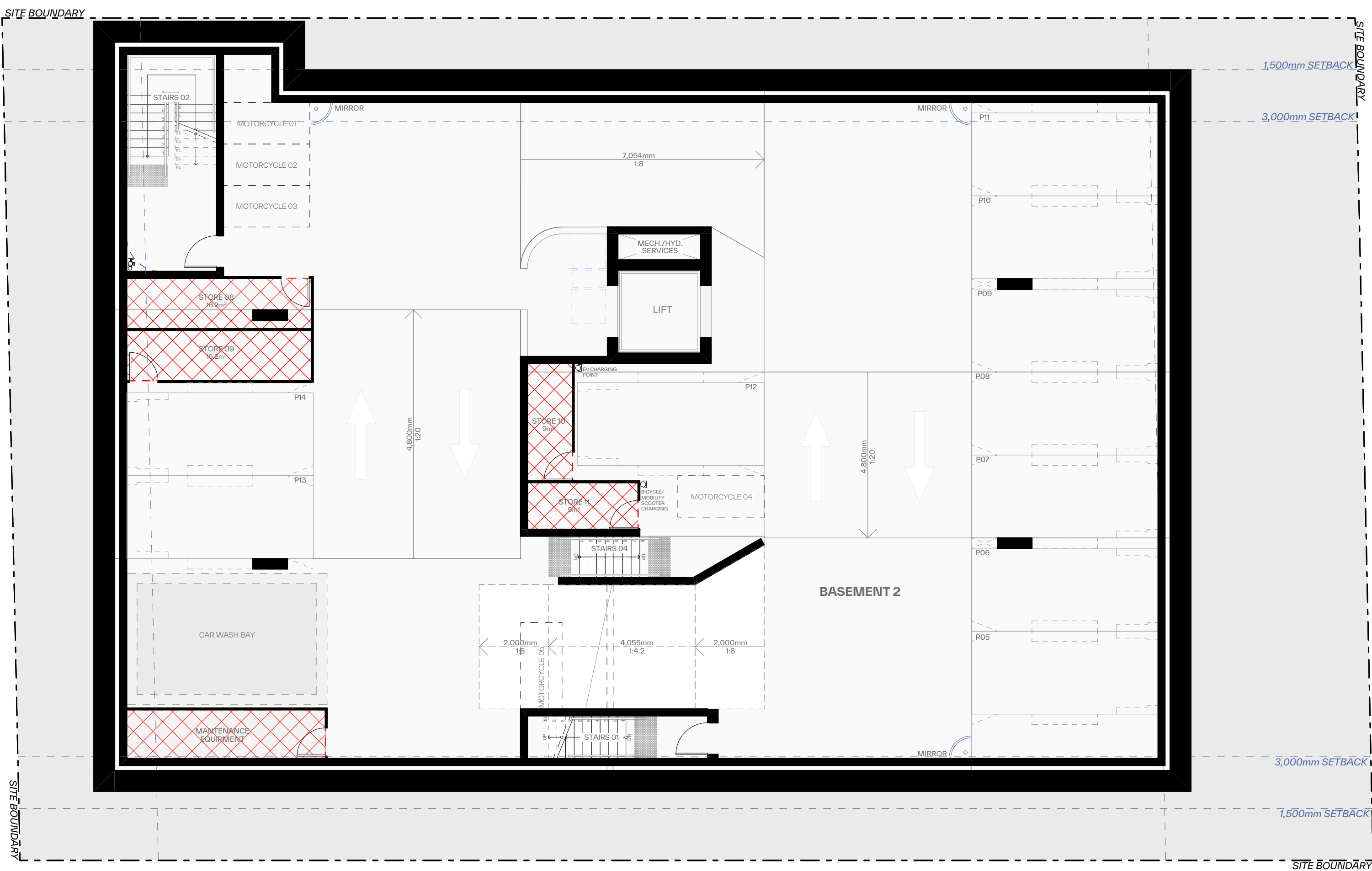


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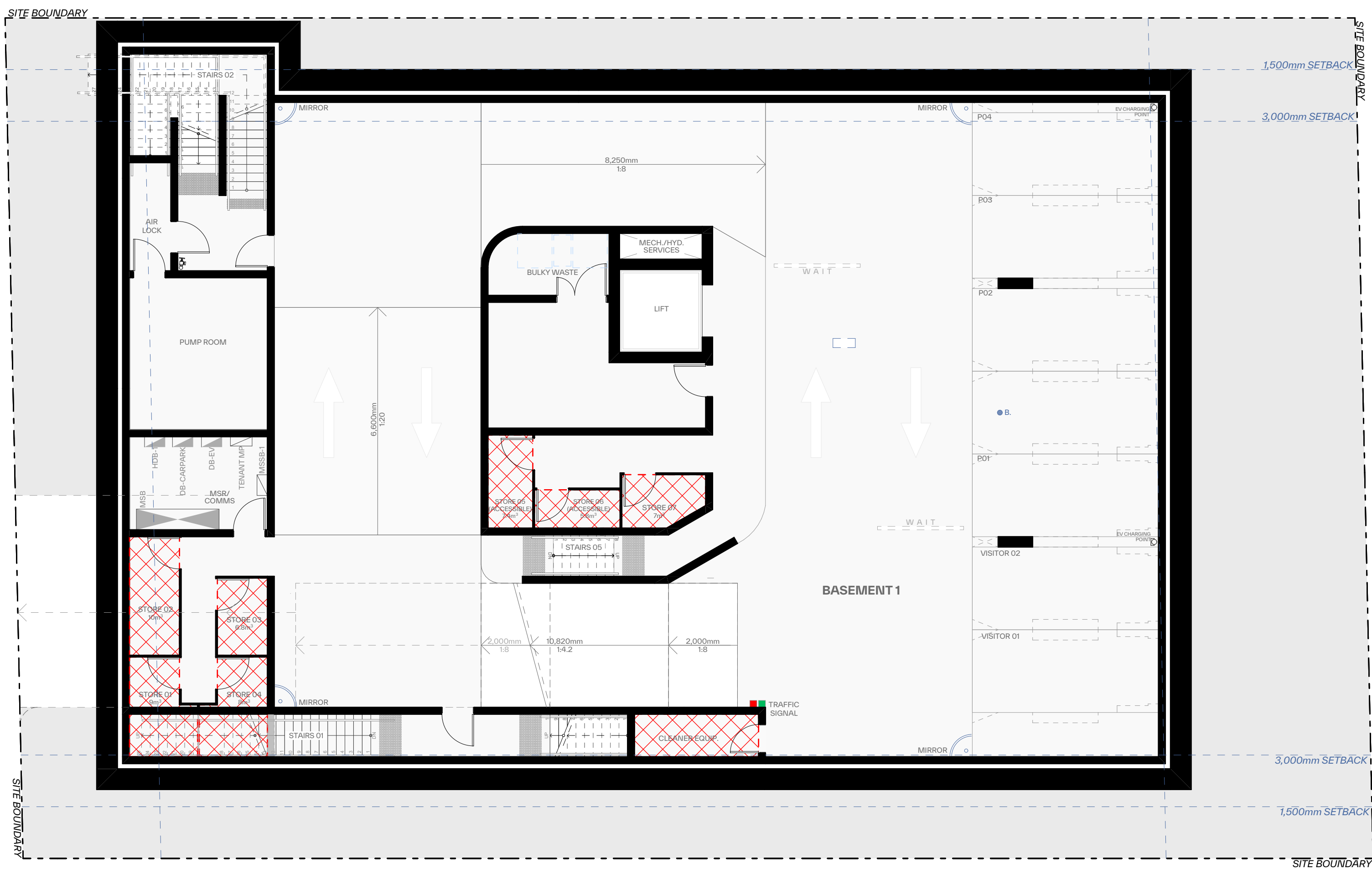
DRAWING TITLE:
Unit Mix Diagram

DRAWING BY:
CV
SCALE:
1:150, 1:100 @ A1
PROJECT NO:
2217
CHECKED BY:
Checked by FH
DRAWING NO:
DA560
DATE:
3/04/2025
ISSUE:
03



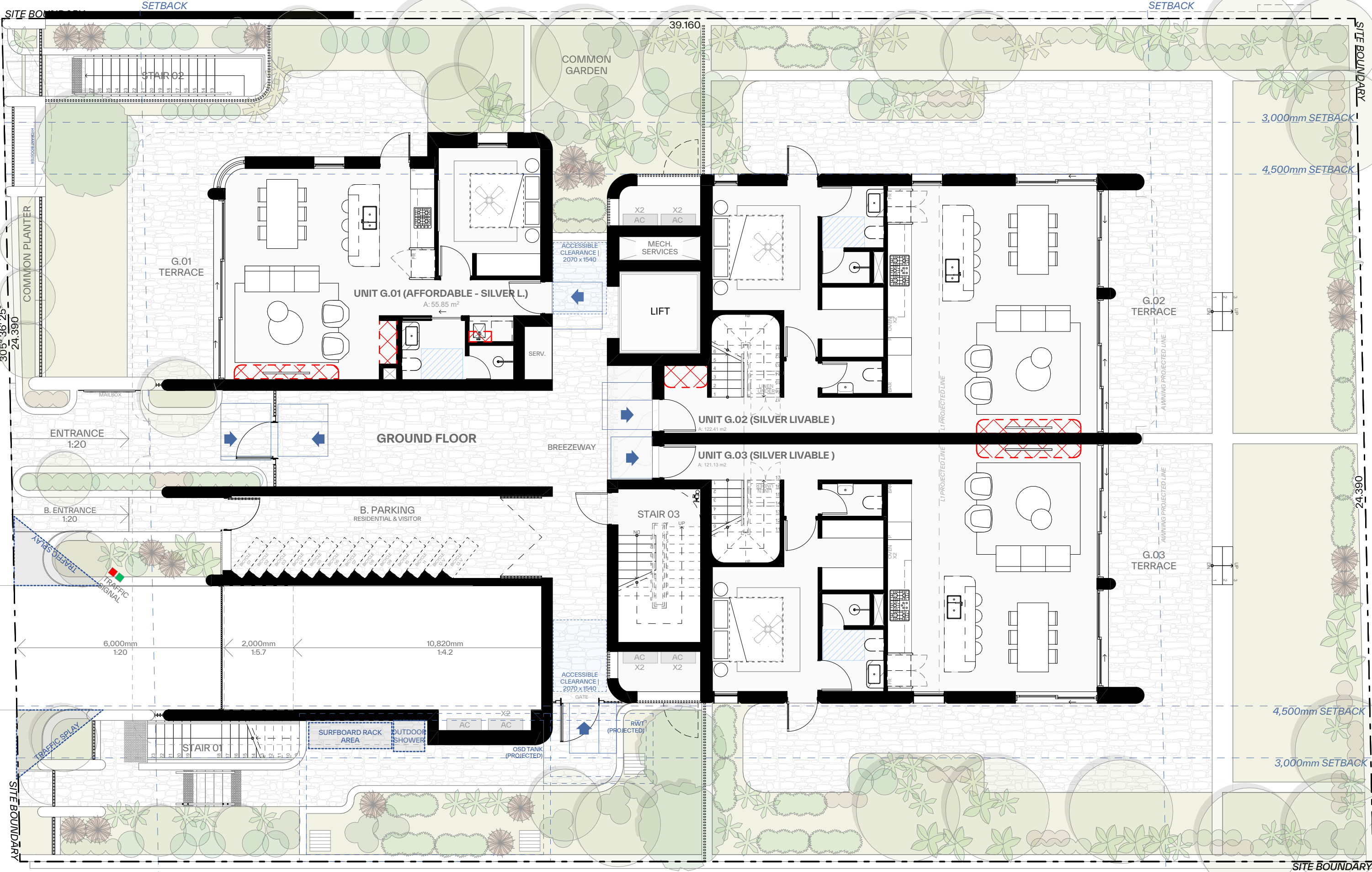
Basement

1:100



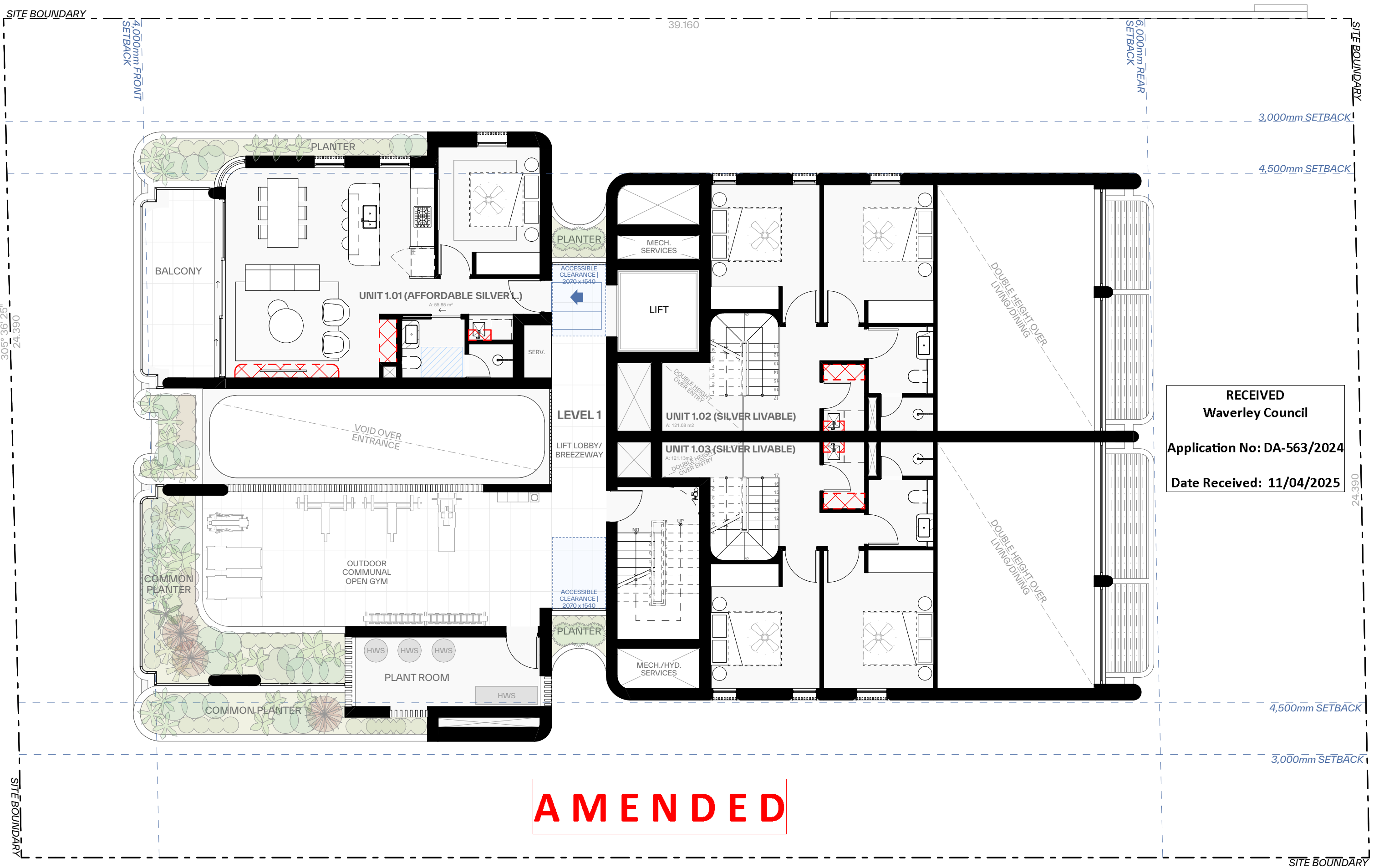
Basement

1:100



Ground

1:100



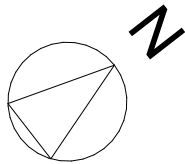
Level 1

1:100

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Issue	Date	Description
01	20/09/2024	PI2
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03

Scale Bar 1 : 100 @ A1



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Nominated Architect:
Paul Buljevic NSW 7768

PROJECT:
Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

CLIENT:
HSN Property

DRAWING TITLE:
Storage Diagram - Sheet 1

DRAWING BY:
CV

SCALE:
1:100@A1

PROJECT NO:
2217

CHECKED BY:
Checked by FH

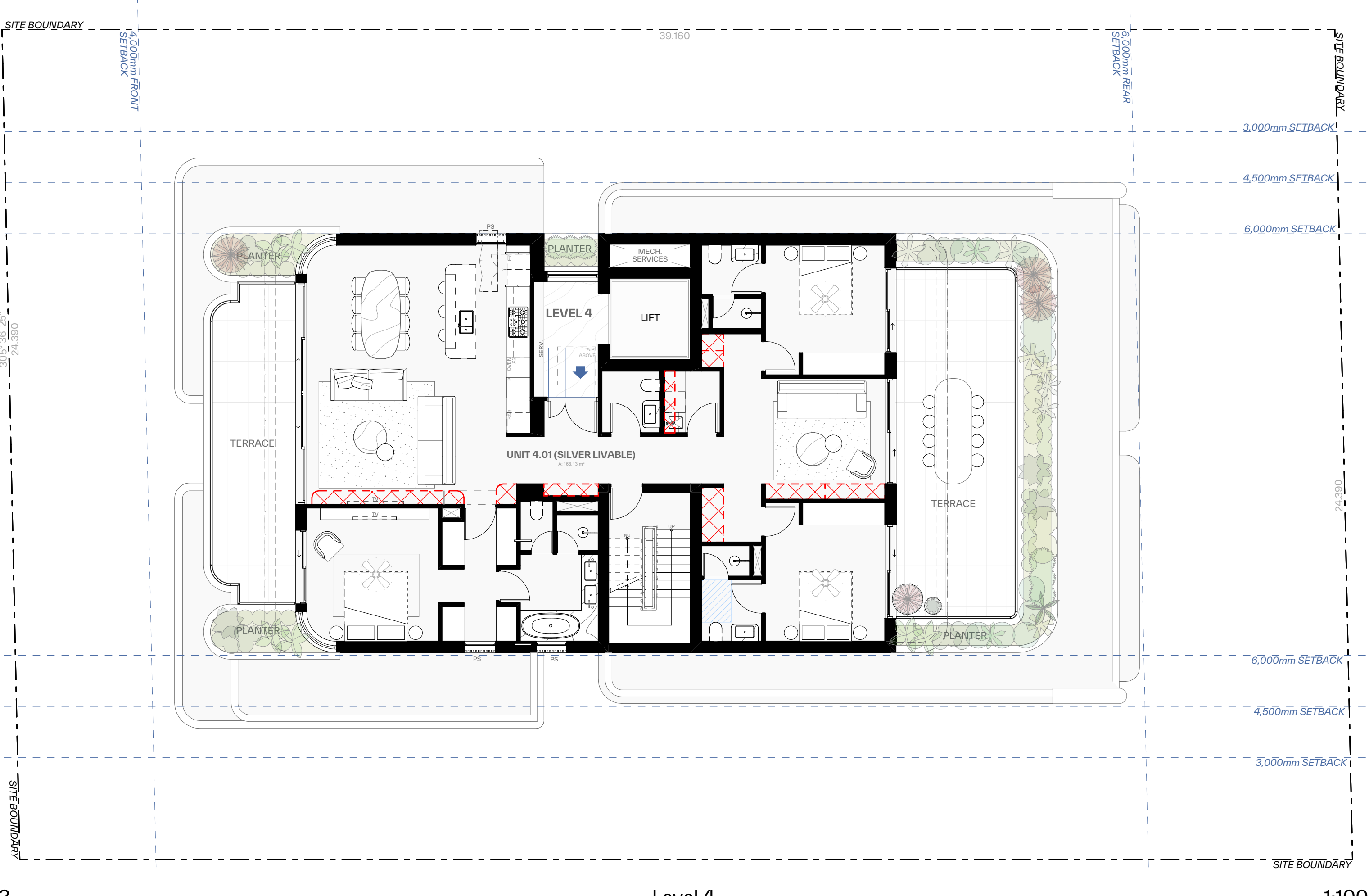
DRAWING NO:
DA570

DATE:
3/04/2025

ISSUE:
03

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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

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Level 4

GENERAL NOTES:

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Issue **Date** **Description**

01	20/09/2024	P12
01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03

Scale Bar 1 : 100 @ A1

0 1 2 3 4 5m

101 architects

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ABN 36 147 035 550
Nominated Architect:
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Level 3

RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

AMENDED

PROPERTY DETAILS: (m²)
SITE AREA: 954.8
SITE ZONE: R3 - Medium Density Residential

LEGEND:
STORAGE AREA

10G. STORAGE AREA/VOL (CARPARK)

Basement	23.8
Basement	87.4

10F. STORAGE AREA/VOL (UNIT)

Level	Unit No.	Unit Type	Storage Volume
Ground	G.01	1 BED	2.1
	G.02	3 BED	0.8
	G.03	3 BED	0.5
Level 1	1.01	1 BED	2.1
	G.02	3 BED	1.4
	G.03	3 BED	1.4
Level 2	2.01	1 BED	2.1
	2.02	2 BED	2.6
	2.03	2 BED	0.6
	2.04	2 BED	2.1
Level 3	3.01	3 BED	2.9
	3.02	3 BED	5.6
Level 4	4.01	3 BED	7.2
			31.4 m³

DRAWING TITLE:
Storage Diagram - Sheet 2

DRAWING BY:
CV

CHECKED BY:
Checked by FH

DATE:
3/04/2025

SCALE:
1:100, 1:100A1

DRAWING NO.:
DA571

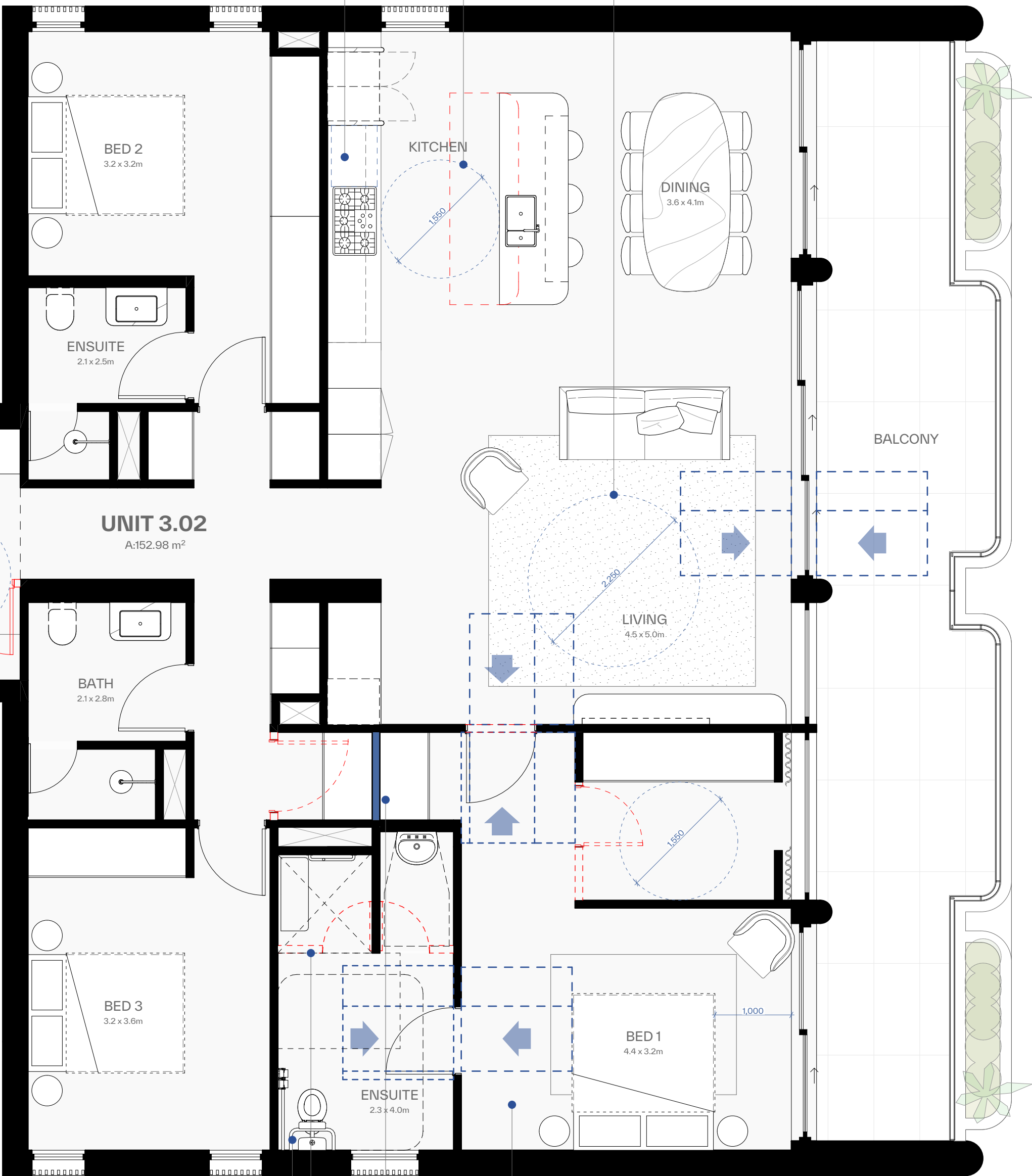
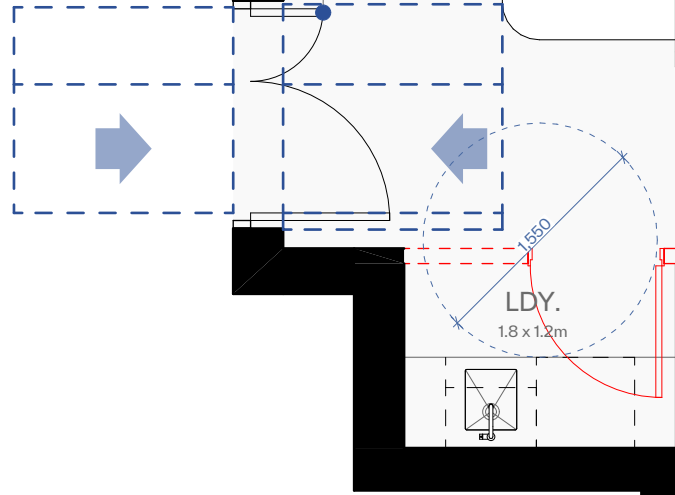
PROJECT NO.:
2217

ISSUE:
03

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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025



AMENDED



MIN. 850mm CLEAR OPENING ENTRY
DOOR WITH DOOR LEVER HANDLE
AND HARDWARE TO AS1428.1

800mm WORK SURFACE
(ADJACENT TO REFRIGERATOR)

MIN. 1,550mm DIA CIRCULATION
SPACE IN KITCHEN

MIN. 2,250mm DIA CIRCULATION
SPACE IN LIVING SPACE

BEDROOM CAPABLE OF ACCOMODATING
A QUEEN SIZED BED AND CIRCULATION
SPACE IN ACCORDANCE WITH AS1428.2

WALLS, JOINERY AND DOORS TO BE
REMOVED

NEW FIXTURES & FITTINGS FOR POST
ADAPTATION GENERALLY

BATHROOM SANITARY FACILITIES DESIGNED
IN ACCORDANCE WITH AS1428.1 (PROVIDE
PLUMBING PROVISION CAPPED OFF FOR
POST ADAPTATION ARRANGEMENT)

GENERAL NOTES:

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LEGEND:

- AW AWNING
- AH ACCESS HATCH
- AC A/C CONDENSER UNITS
- FH FIRE HYDRANT
- FHR FIRE HOSE REEL
- FS FIRE STAIRS
- GC GARBAGE CHUTE
- HW HIGHLIGHT WINDOW
- MV MECHANICAL RISER TO FUTURE DETAIL
- MB MAIL BOX TO FUTURE DETAIL
- R 240L RECYCLING BIN
- SK SKYLIGHT
- ST STORAGE
- HWU HOT WATER UNITS

MATERIALS LEGEND:

- AFG ALUMINIUM FRAMED GLAZING
- LV ALUMINIUM ELLIPTICAL FIXED LOUVERS
- AW AWNING (TO FUTURE DETAIL)
- CONC CONCRETE
- FB FACE BRICK
- GB FRAMELESS TOUCHED GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
- MB METAL BALUSTRADE
- MC METAL CLADDING
- FCE METAL FENCING (TO FUTURE SELECTION)
- PC COMPOSITE PANEL CLADDING
- PSX PRIVACY SCREEN (TO FUTURE SELECTION)
- PTX PAINT FINISH TYPEX
- RD ROLLER DOOR
- RP RIVER PEBBLES
- RW RENDERED FINISH/SELECTED PAINT FINISH
- TC TIMBER CLADDING
- VB EXTERNAL VENETIAN BLINDS

Issue	Date	Description
P1	10/08/2024	P1
P2	11/09/2024	P11
P3	20/09/2024	P12
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3

Scale Bar 1 : 100 @ A1

0 1 2 3 4 5m

CLIENT:

HSN Property



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PROJECT:

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88-90 Ramsgate Ave, Bondi Beach

DRAWING TITLE:

Adaptable Unit 3.02

DRAWING BY:

CV

SCALE:

1:50@A1

PROJECT NO:

2217

CHECKED BY:

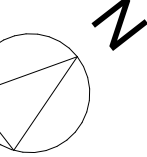
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DRAWING NO:

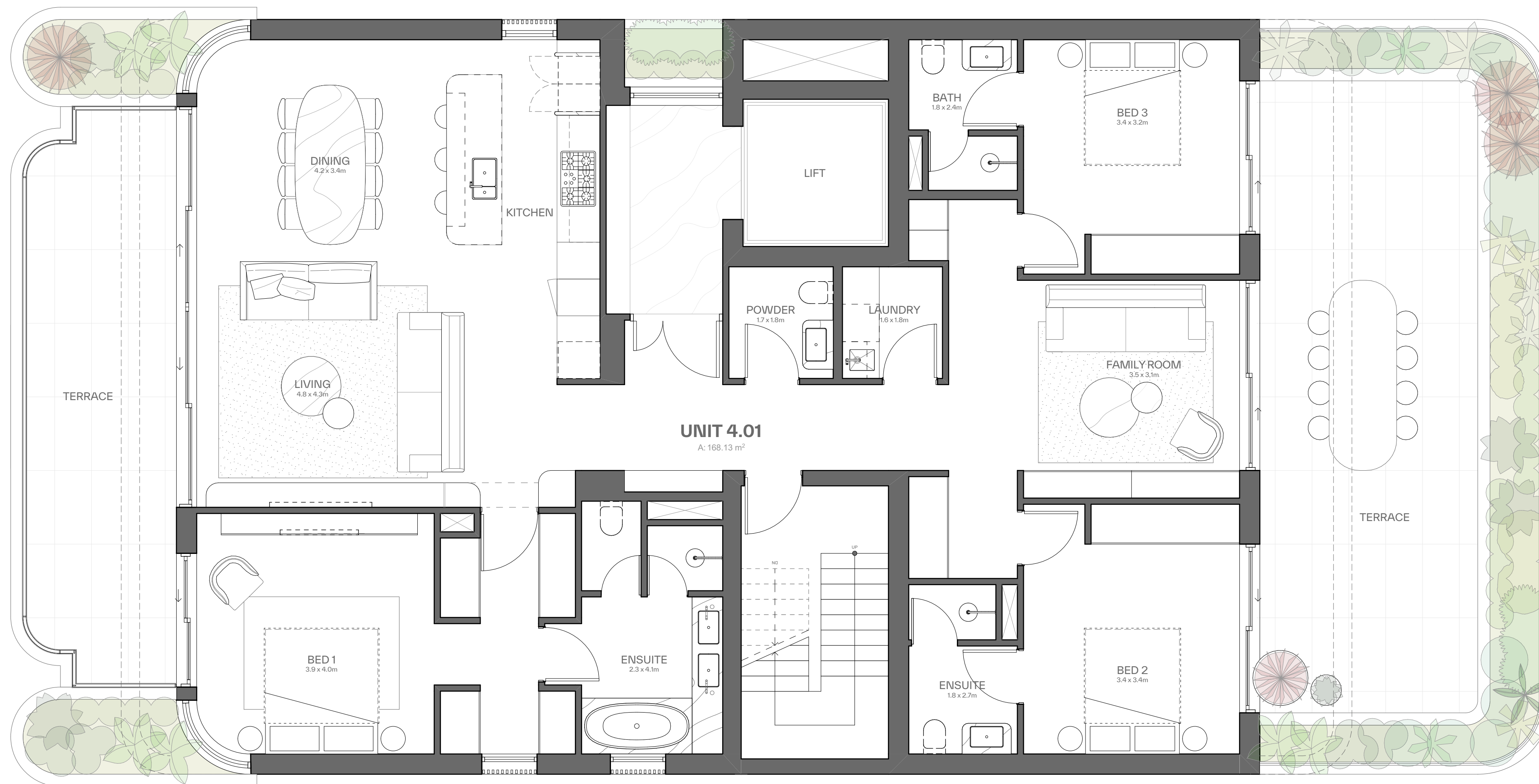
DA701

ISSUE:

03



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PRE-ADAPTION FLOOR PLAN

RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025

GENERAL NOTES:

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LEGEND:

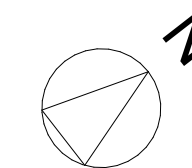
AW	AWNING
AH	ACCESS HATCH
AC	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE
HW	HIGHLIGHT WINDOW
MV	MECHANICAL RISER TO FUTURE DETAIL
MB	MAILBOX TO FUTURE DETAIL
R	240L RECYCLING BIN
SK	SKYLIGHT
ST	STORAGE
HWU	HOT WATER UNITS

MATERIALS LEGEND:

AFV	ALUMINIUM FRAMED GLAZING
LV	ALUMINIUM ELLIPTICAL FIXED LOUVERS
AW	AWNING (TO FUTURE DETAIL)
CONC	CONCRETE
FB	FACE BRICK
GB	FRAMELESS TOUCHED-UP GLASS BALUSTRADE (TO BCA/AUS STANDARDS)
MB	METAL BALUSTRADE
MC	METAL CLADDING
FCE	METAL FININGS (TO FUTURE SELECTION)
PC	PANELLIST PANEL CLADDING
PSx	PRIVACY SCREEN (TO FUTURE SELECTION)
PTX	PAINT FINISH TYPEX
RD	ROLLER DOOR
RP	REAR PEBBLES
RW	RENDERED FINISH/SELECTED PAINT FINISH
TR	TIMBER CLADDING
VB	VENTILATION VENETIAN BLINDS

[illegible]

Scale Bar 1 : 100 @ A1



CLIENT:

HSN Property



P - 02 9698 8140
E - info@pbdarchitects.com.au
W - pbdarchitects.com.au

Level 2, 52 Albion Street,
Surry Hills NSW 2010

ABN 36 147 035 550
Nominated Architect:
Paul Bulleivic NSW 7768

PROJECT:

Proposed Residential Flat Building
88-90 Ramsgate Ave, Bondi Beach

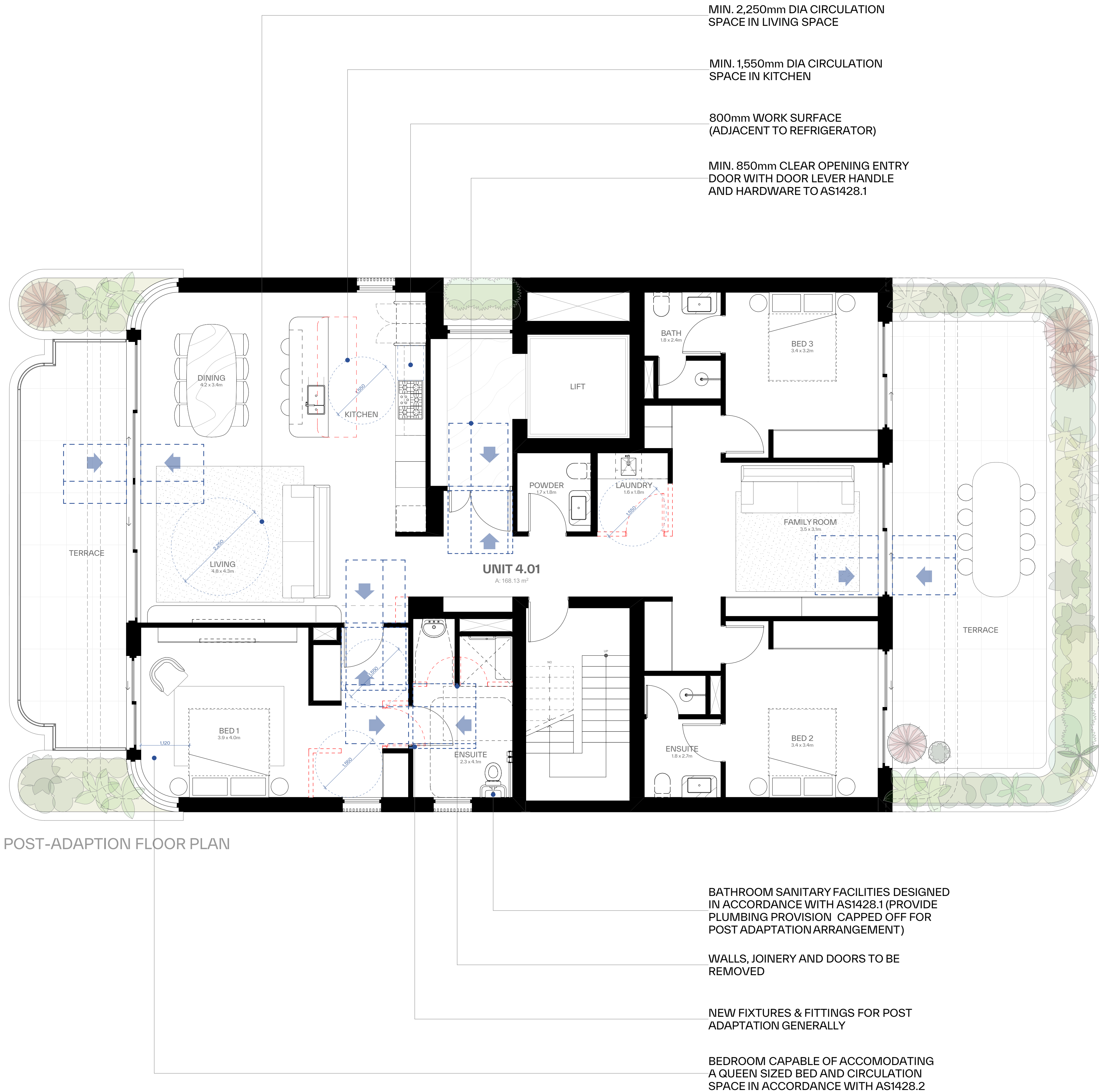
DRAWING TITLE:

Adaptable Unit 4.01

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:50@A1	DRAWING NO:	ISSUE:
PROJECT NO: 2217	DA702	03

AMENDED

POST-ADAPTION FLOOR PLAN

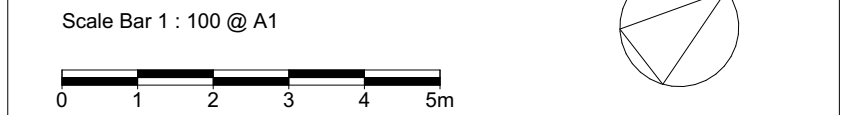


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- LEGEND:
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 - AH ACCESS HATCH
 - AC A/C CONDENSER UNITS
 - FH FIRE HYDRANT
 - FHR FIRE HOSE REEL
 - FS FIRE STAIRS
 - GC GARBAGE CHUTE
 - HWV HIGHLIGHT WINDOW
 - MV MECHANICAL RISER TO FUTURE DETAIL
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 - VB EXTERNAL VENETIAN BLINDS

Issue	Date	Description
P1	10/08/2024	P1
P2	11/09/2024	P11
P3	20/09/2024	P12
O1	11/10/2024	O1
O2	11/03/2025	O2
O3	28/03/2025	O3



CLIENT:
HSN Property

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architects

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DRAWING TITLE:
Adaptable Unit 4.01

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:50@A1	DRAWING NO: DA703	ISSUE: 03
PROJECT NO: 2217		

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Waverley Council

Application No: DA-563/2024

Date Received: 14/03/2025

Paradise Palms

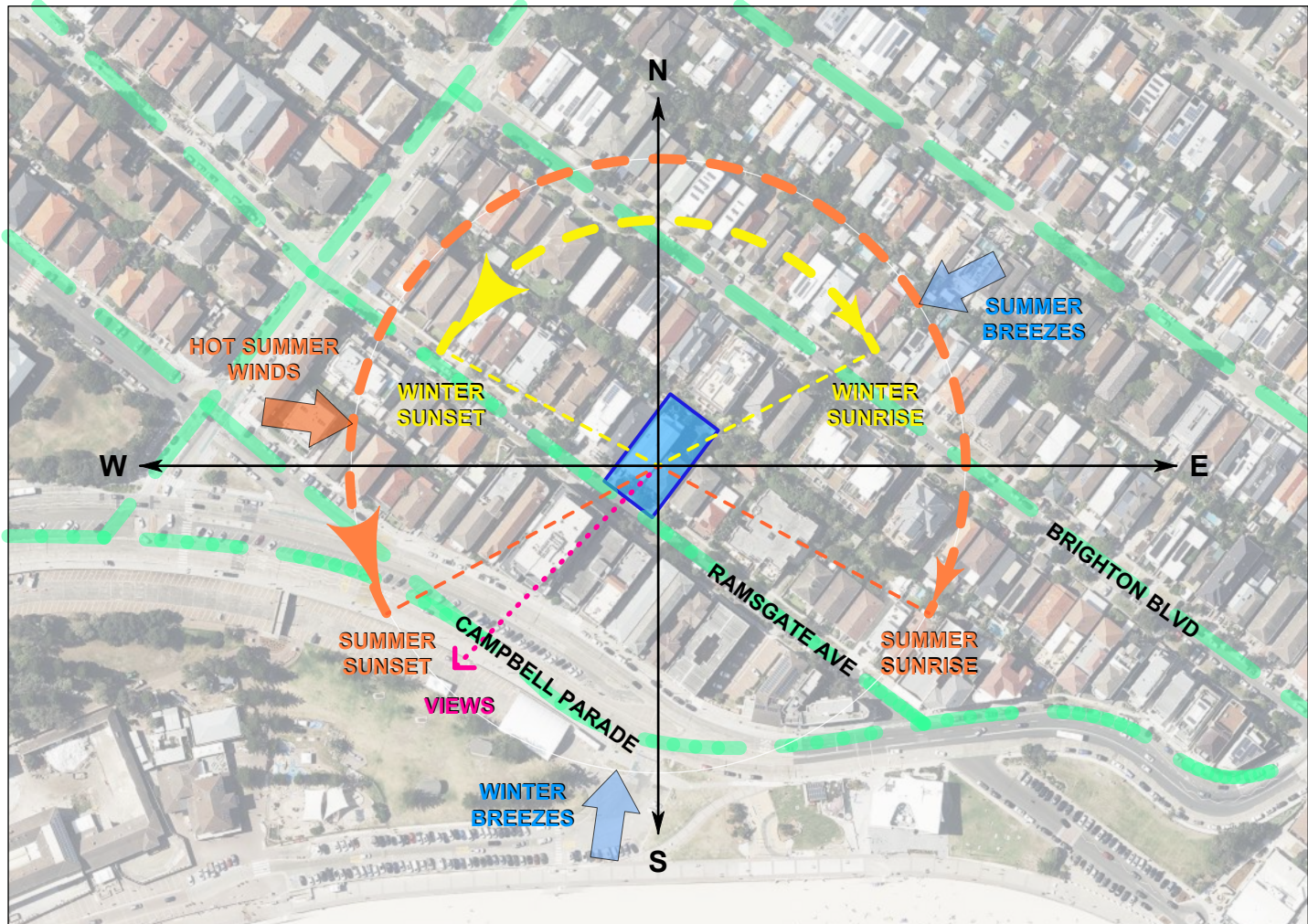
88-90 Ramsgate Ave, Bondi Beach

Architects

PBD Architects

Drawing List

C001	Cover Sheet
C002	Ground Floor Plan
C003	Ground Floor Planting
C004	Level 1 Planting
C005	Level 2 Planting
C006	Level 3 Planting
C007	Level 4 Planting
C008	Planting Schedule



LOCATION / SITE ANALYSIS PLAN

AMENDED



Bates Landscape
2/78 Reserve Rd Artarmon
T: 02 9818 6666
E: office@bateslandscape.com.au
W: www.bateslandscape.com.au

We acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respects to their Elders past, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

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133

F	6/03/2025	Updated DA set
E	27/09/2024	DA Set Updated
D	18/09/2024	DA set
C	10/09/2024	Plant & Stormwater Update
ISSUE	DATE	REVISION

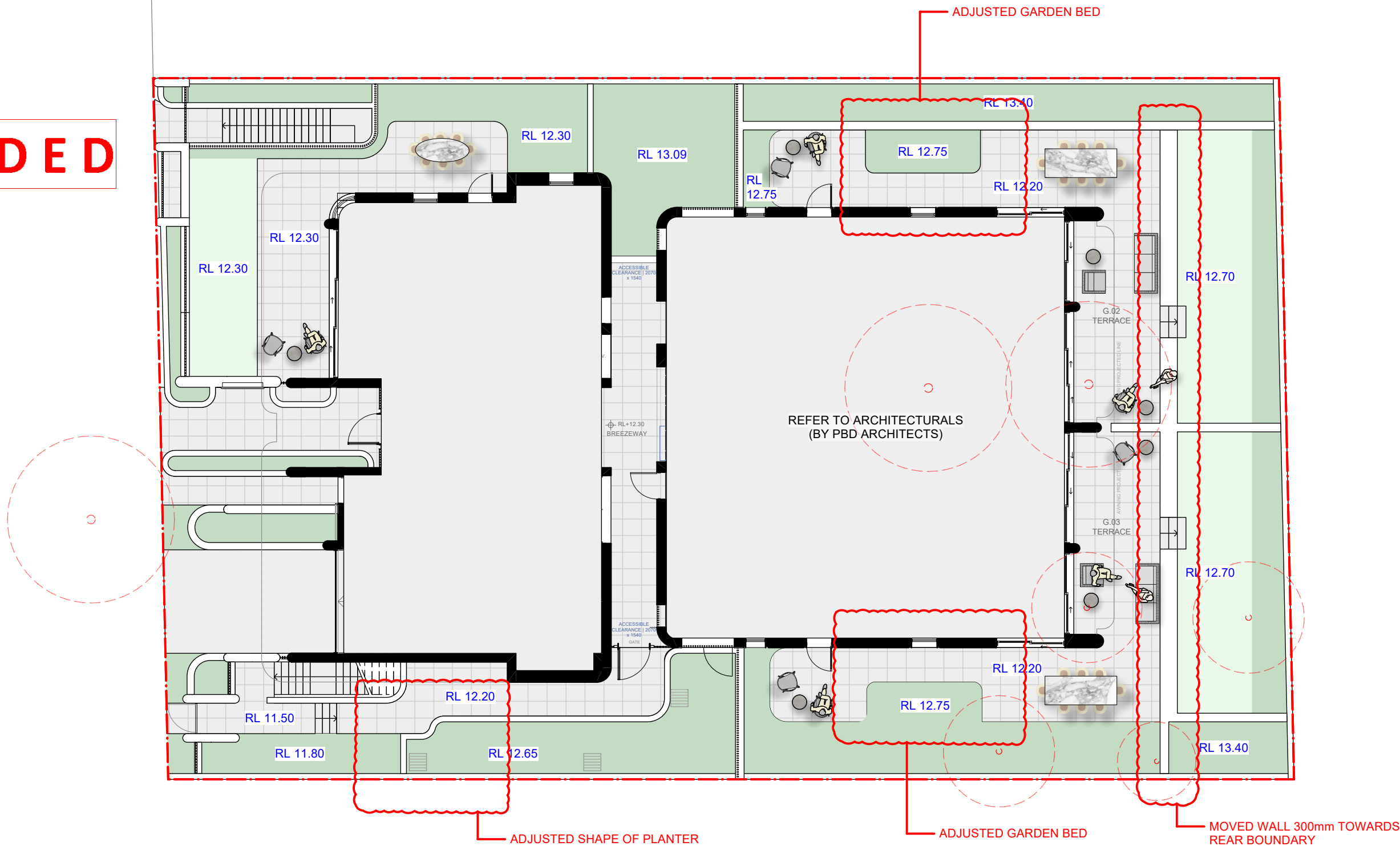
CLIENT HSN Property Group

PROJECT 88-90 Ramsgate Avenue, Bondi

DWG Cover Sheet

PROJECT #	N/A
DWG #	C001
SCALE @ A3	N/A
DRAWN	LH
CHKD	MB

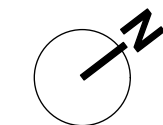
AMENDED



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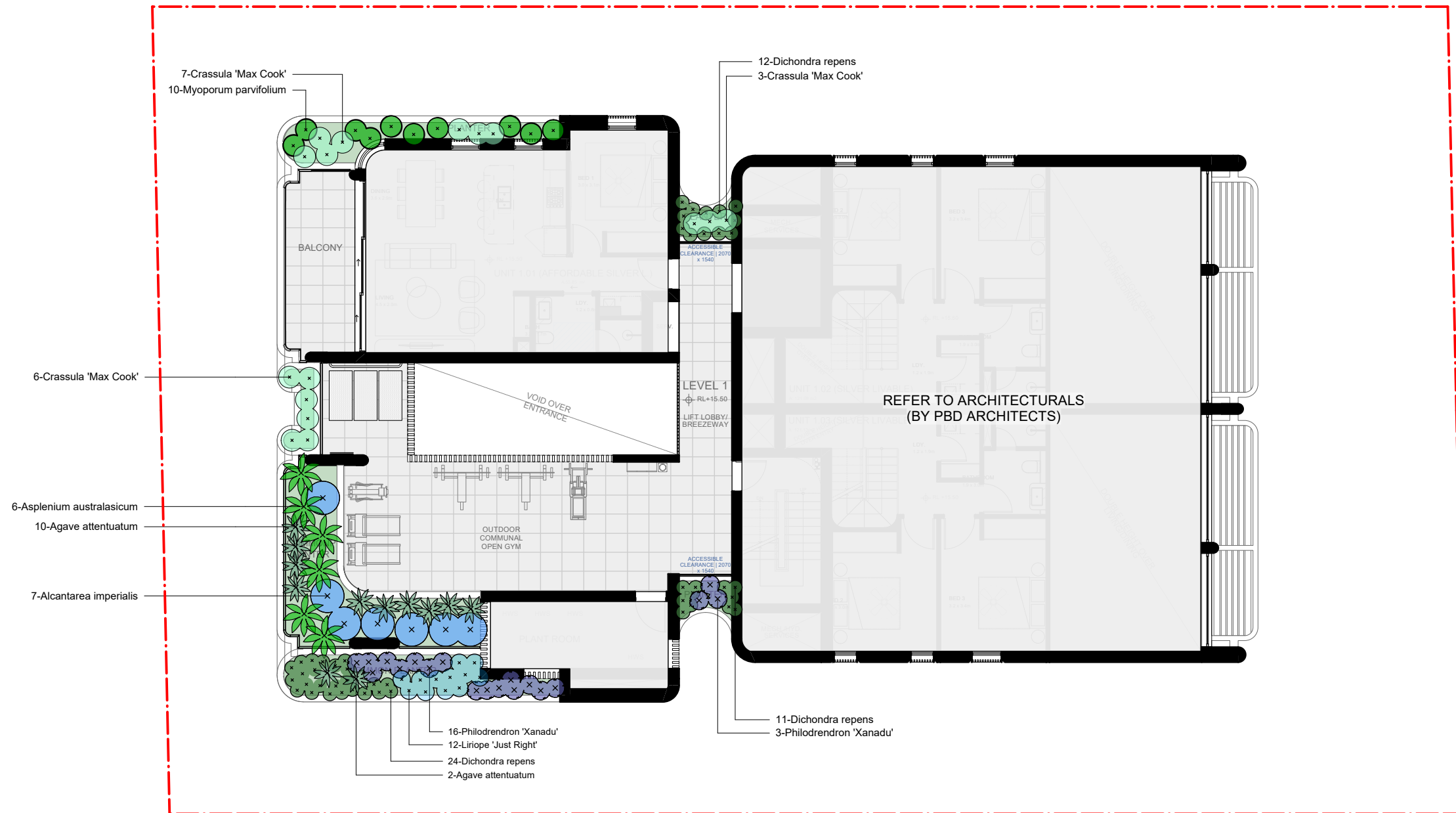
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C	10/09/2024	Plant & Stormwater Update
ISSUE	DATE	REVISION

CLIENT HSN Property Group
PROJECT 88-90 Ramsgate Avenue, Bondi
DWG Ground Floor Plan

PROJECT #	N/A
DWG #	C002
SCALE @ A3	1:150
DRAWN	LH
CHKD	MB

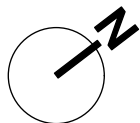
AMENDED



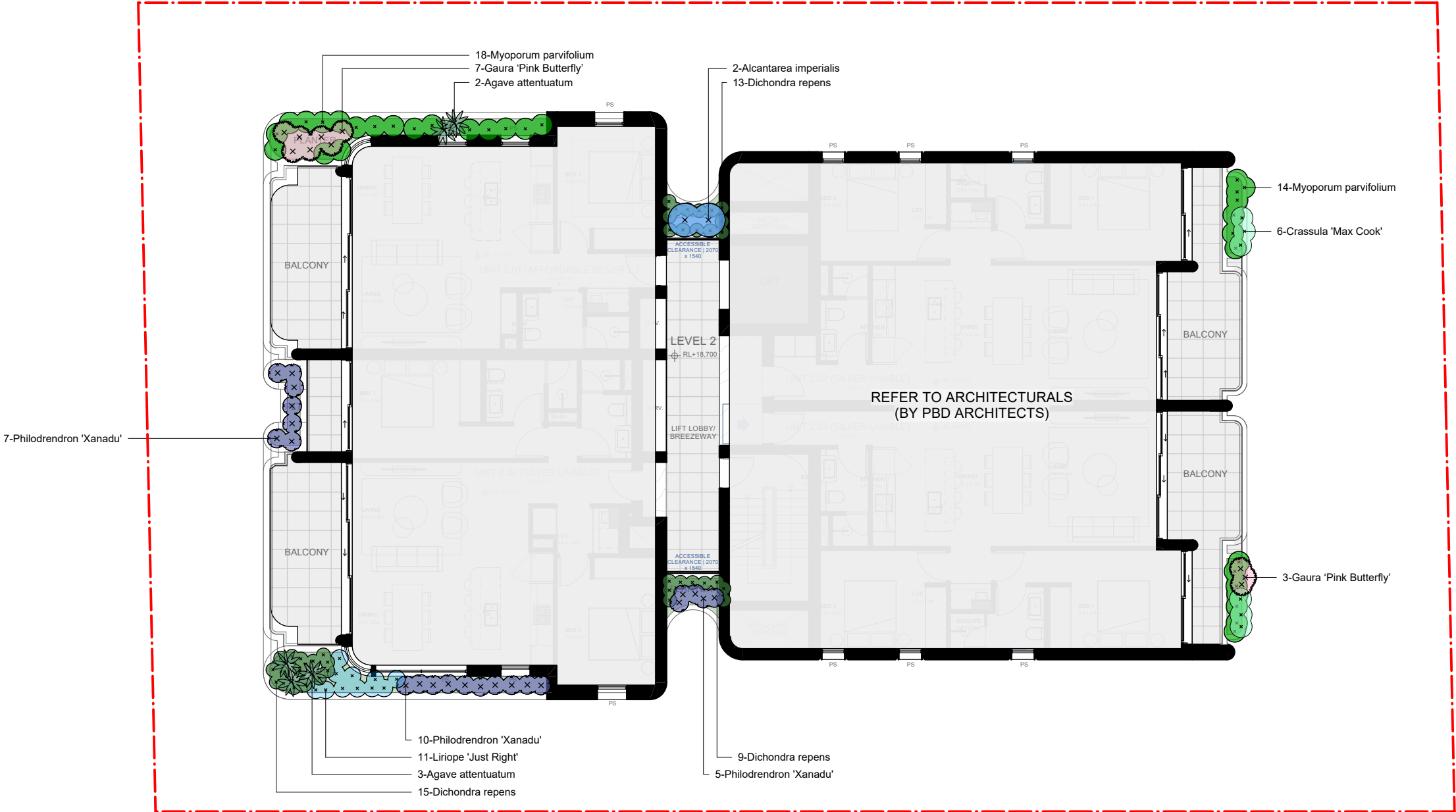
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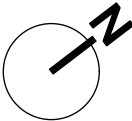
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D	18/09/2024	DA set
C	10/09/2024	Plant & Stormwater Update
ISSUE	DATE	REVISION

CLIENT HSN Property Group
PROJECT 88-90 Ramsgate Avenue, Bondi
DWG Level 2 Planting

PROJECT #	N/A
DWG #	C005
SCALE @ A3	1:150
DRAWN	LH
CHKD	MB

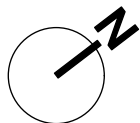
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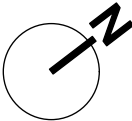
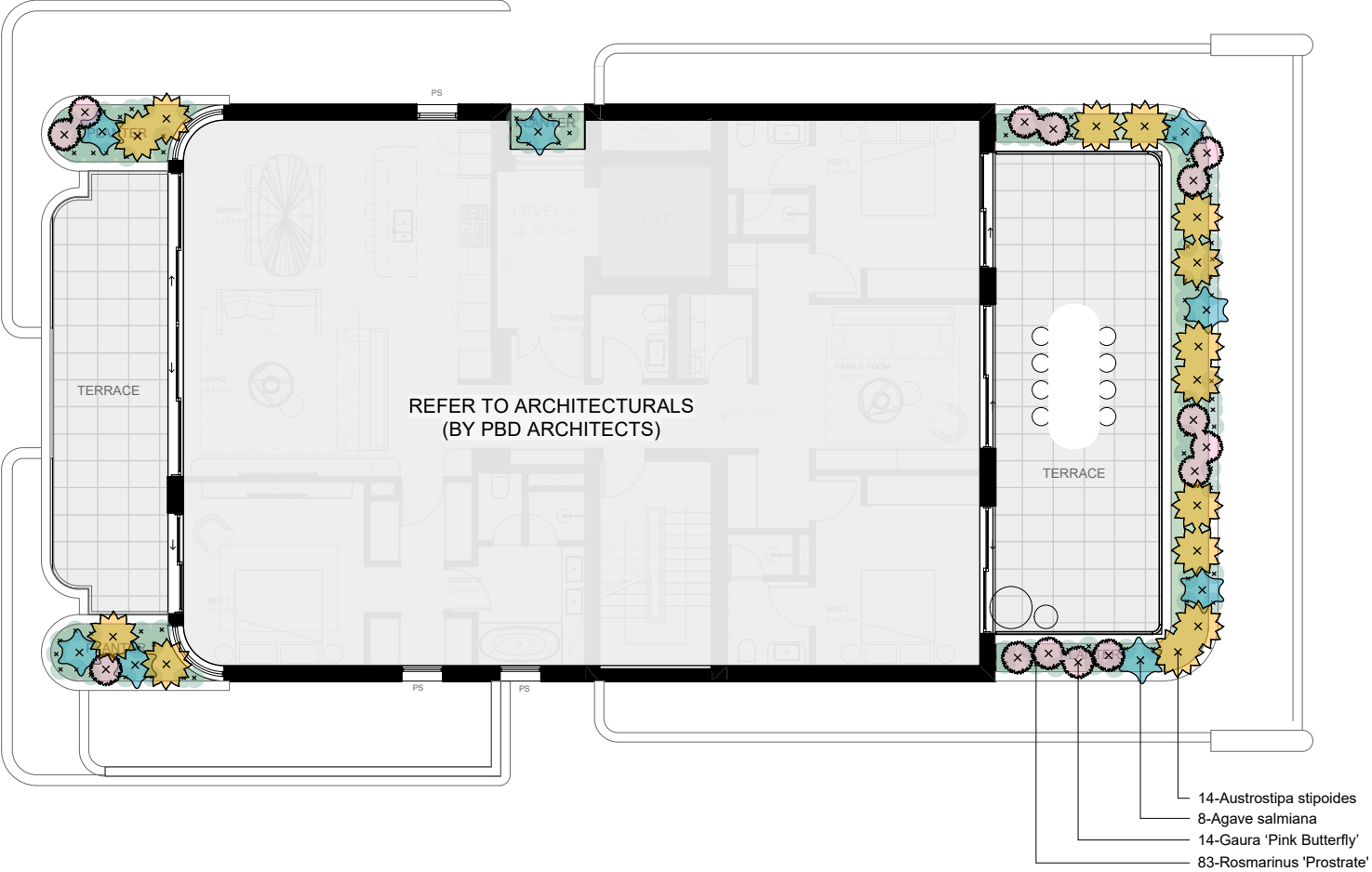
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C	10/09/2024	Plant & Stormwater Update
ISSUE	DATE	REVISION

CLIENT HSN Property Group
PROJECT 88-90 Ramsgate Avenue, Bondi
DWG Level 4 Planting

PROJECT #	N/A
DWG #	C007
SCALE @ A3	1:150
DRAWN	LH
CHKD	MB

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PLANTING SCHEDULE

Latin Name	Common Name	Quantity	Pot Size	Spread	Height
Agave attentuatum	Agave	37	300mm	860	1000
Agave salmiana	Agave salmiana	8	300mm	995	825
Alcantarea imperialis	Imperial Bromeliad	9	300mm	1010	1200
Asplenium australasicum	Birds Nest Fern	19	300mm	1300	1500
Austrostipa stipoides	Spear Grass	14	200mm	1100	1300
Crassula 'Max Cook'	Crassula	53	300mm	710	550
Cupaniopsis anacardioides	Tuckeroo	6	200lt	4000	8000
Dichondra repens	Dichondra repens	245	140mm	420	100
Doryanthes excelsa	Gynea Lily	5	400mm	1200	1500
Elaeocarpus eumundi	Quandong	7	100lt	3600	3500
Gaura 'Pink Butterfly'	Butterfly Plant	33	200mm	700	1000
Grevillea 'Poorinda Royal Mantle'	Grevillea Poorinda Royal Mantle	22	200mm	520	650
Hedera canariensis	English Ivy	100	140mm	510	400
Howea fosteriana	Kentia Palm	15	ADV.	3200	10000
Lagerstroemia 'Natchez'	White Crepe Myrtle	4	200lt	3000	6000
Ligularia reniformis	Tractor Seat Ligularia	112	200mm	600	660
Liriope 'Just Right'	Liriope	71	200mm	550	500
Michelia alba	White Champaca	3	200lt	3800	3000
Myoporum parvifolium	Boobialla	100	200mm	640	350
Neomarica gracilis	Walking Iris	68	200mm	700	650
Philodendron 'Congo'	Philodendron Congo	23	300mm	1000	750
Philodendron 'Xanadu'	Dwarf Philodendron	169	300mm	600	750
Phoenix roebelinii	Dwarf Date Palm	2	ADV	2100	2500
Rhapis excelsa	Lady Palm	35	400mm	1000	2500
Rosmarinus 'Prostrate'	Prostrate Rosemary	129	200mm	440	280
Tristaniaopsis 'Luscious'	Water Gum	6	200lt	3500	8000
Zamia furfuracea	Cardboard Plant	6	300mm	1250	600

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C	10/09/2024	Plant & Stormwater Update
ISSUE	DATE	REVISION

CLIENT HSN Property Group
PROJECT 88-90 Ramsgate Avenue, Bondi
DWG Planting Schedule

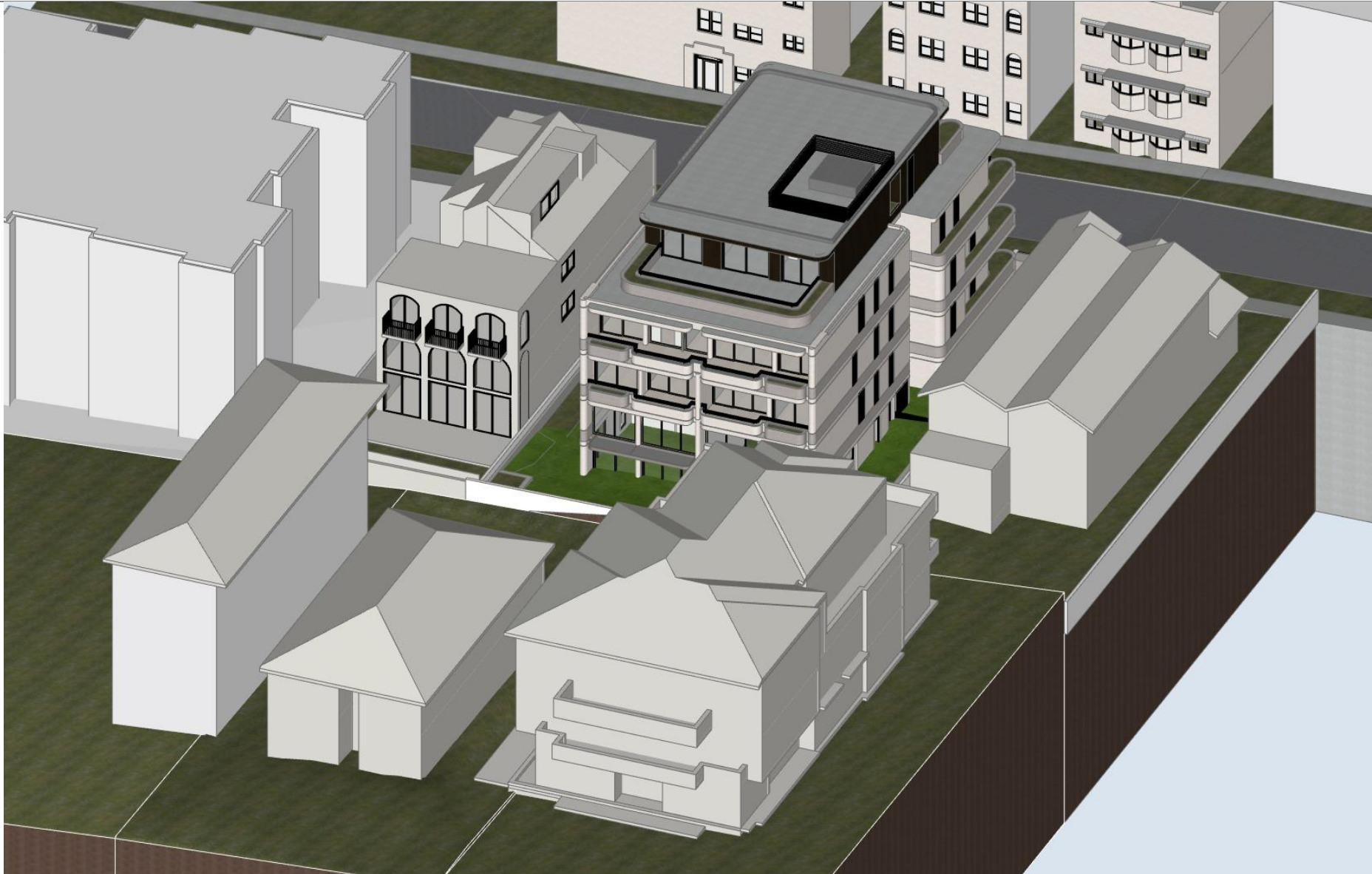
PROJECT #	N/A
DWG #	C008
SCALE @ A3	N/A
DRAWN	LH
CHKD	MB



1 Solar Access Diagram - June 21 at 9am



2 Solar Access Diagram - June 21 at 10am



3 Solar Access Diagram - June 21 at 11am



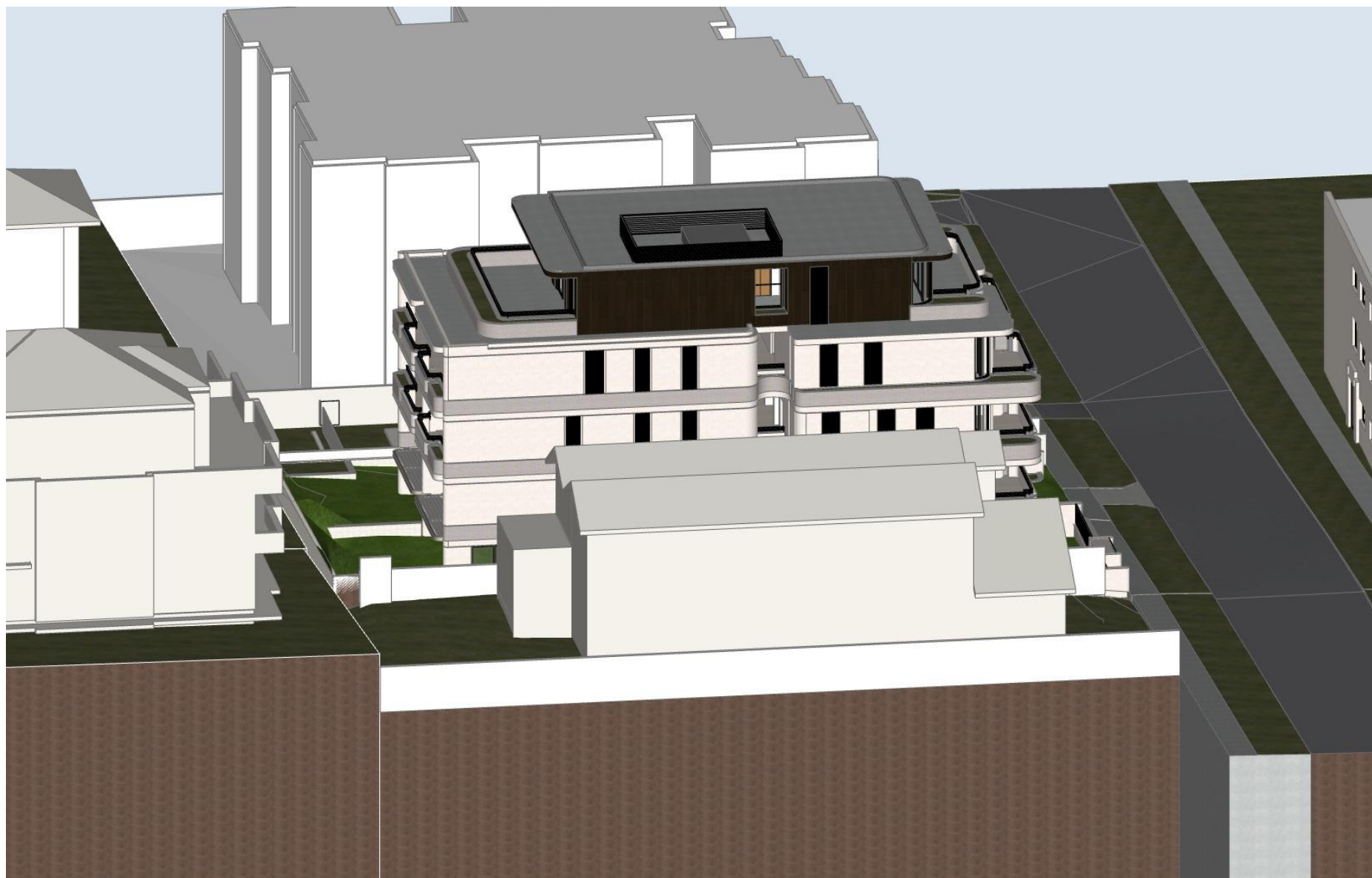
4 Solar Access Diagram - June 21 at 12pm



5 Solar Access Diagram - June 21 at 1pm



6 Solar Access Diagram - June 21 at 2pm



7 Solar Access Diagram - June 21 3pm

SOLAR ACCESS TO 88-90 RAMSGATE AVE PROPOSED														
LEVEL	UNIT	LIVING (21st JUNE)												
		9:00AM	9:30AM	10:00AM	10:30AM	11:00AM	11:30AM	12:00PM	12:30PM	1:00PM	1:30PM	2:00PM	2:30PM	3:00PM
GROUND	Unit G.01													
	Unit G.02	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	0
	Unit G.03	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 1	Unit 1.01				Y	Y	Y	Y	Y					2
	Unit 2.01				Y	Y	Y	Y	Y	Y	Y	Y		4
LEVEL 2	Unit 2.02	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			4.5
	Unit 2.03	Y	Y	Y	Y	Y	Y	Y	Y	Y				4.5
	Unit 2.04													0
LEVEL 3	Unit 3.01													0
	Unit 3.02	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			4.5
LEVEL 4	Unit 4.01	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	6

LEVEL	UNIT	POS (21st JUNE)												
		9:00AM	9:30AM	10:00AM	10:30AM	11:00AM	11:30AM	12:00PM	12:30PM	1:00PM	1:30PM	2:00PM	2:30PM	3:00PM
GROUND	Unit G.01													
	Unit G.02								Y	Y	Y	Y	Y	0
	Unit G.03			Y	Y	Y	Y	Y			Y	Y	Y	2.5
LEVEL 1	Unit 1.01						Y	Y	Y					4.5
	Unit 2.01						Y	Y	Y	Y	Y	Y	Y	1.5
LEVEL 2	Unit 2.02		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3.5
	Unit 2.03		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	5.5
	Unit 2.04													5.5
LEVEL 3	Unit 3.01						Y	Y	Y	Y	Y	Y	Y	0
	Unit 3.02		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3.5
LEVEL 4	Unit 4.01	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	5.5

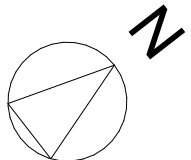
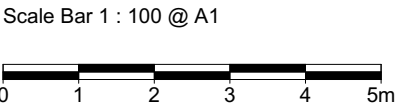
TOTAL UNIT 11
UNIT COMPLIANT 8
NO DIRECT SOLAR 3

	Solar Access
	No Solar Access
	Compliant
	Non-Compliant

AMENDED

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P7	6/08/2024	P7
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01	11/10/2024	01
02	11/03/2025	02
03	28/03/2025	03



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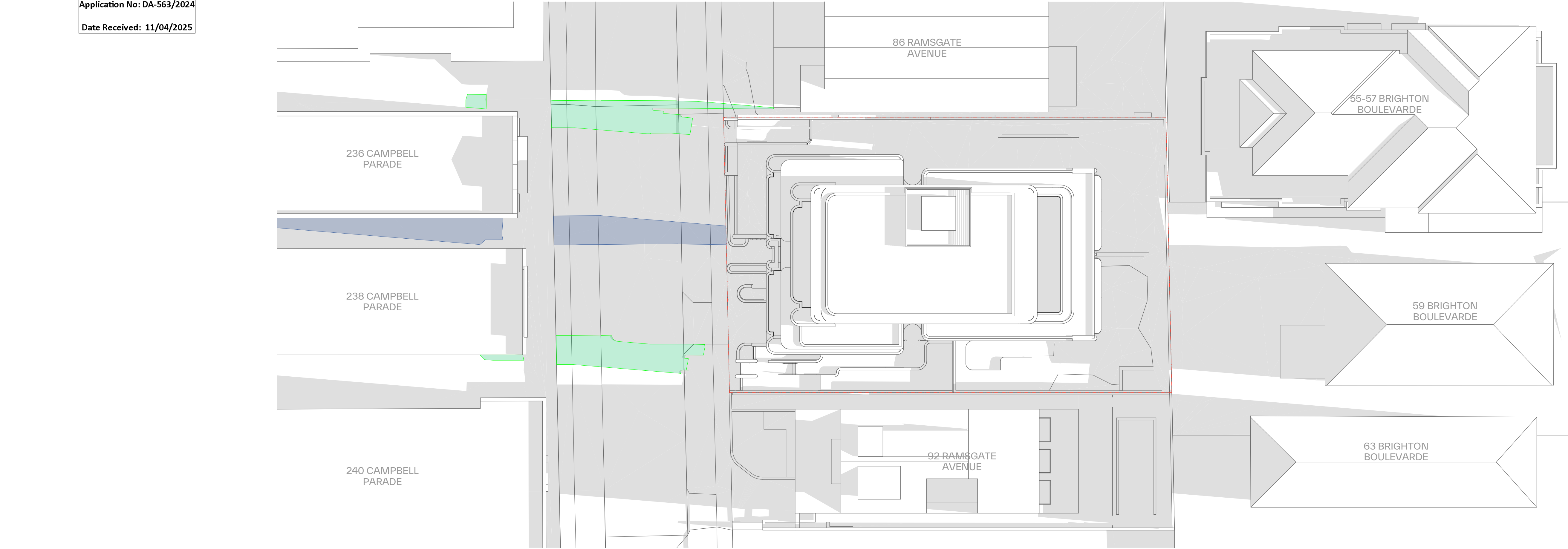
CLIENT:
HSN Property

DRAWING TITLE:
Solar Access Diagram

DRAWING BY: CV	CHECKED BY: Checked by FH	DATE: 3/04/2025
SCALE: 1:236.11, 1:0.95@A1	DRAWING NO: DA600	ISSUE: 03
PROJECT NO: 2217		

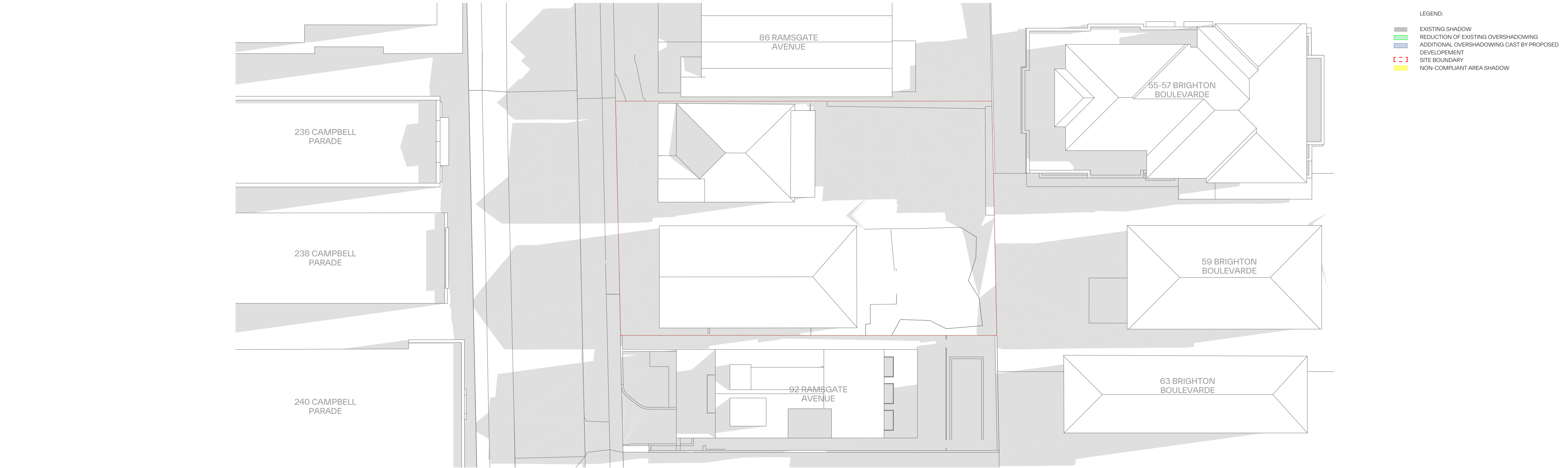


1 Shadow Study [Existing] 21 June at 0900h 1:200



2 Shadow Study [Proposed] 21 June at 0900h 1:200

AMENDED

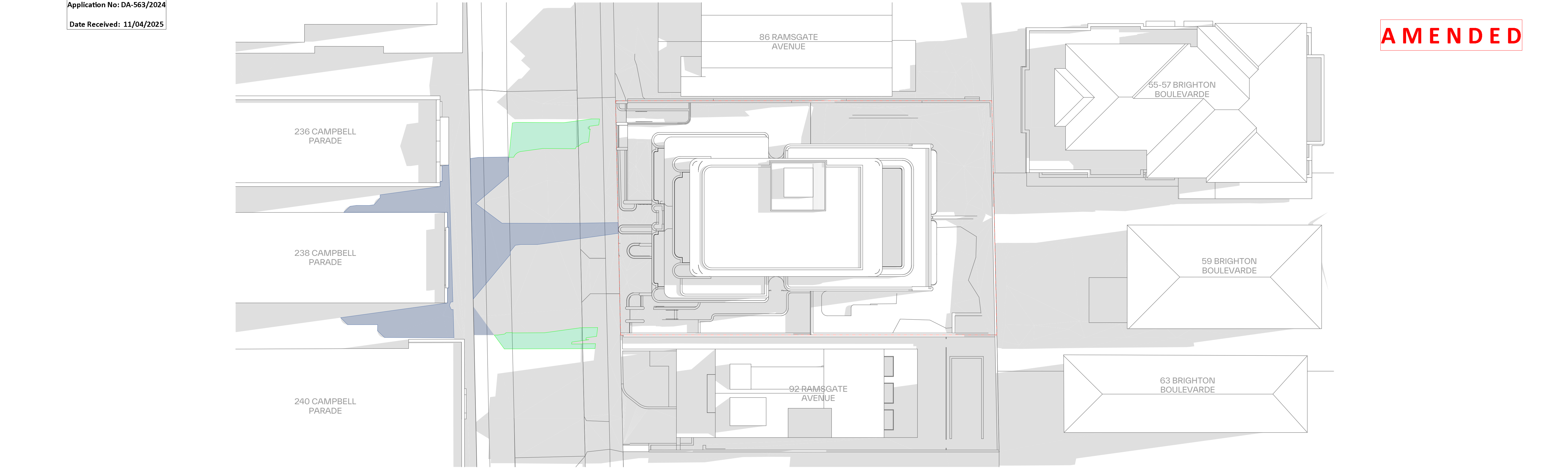


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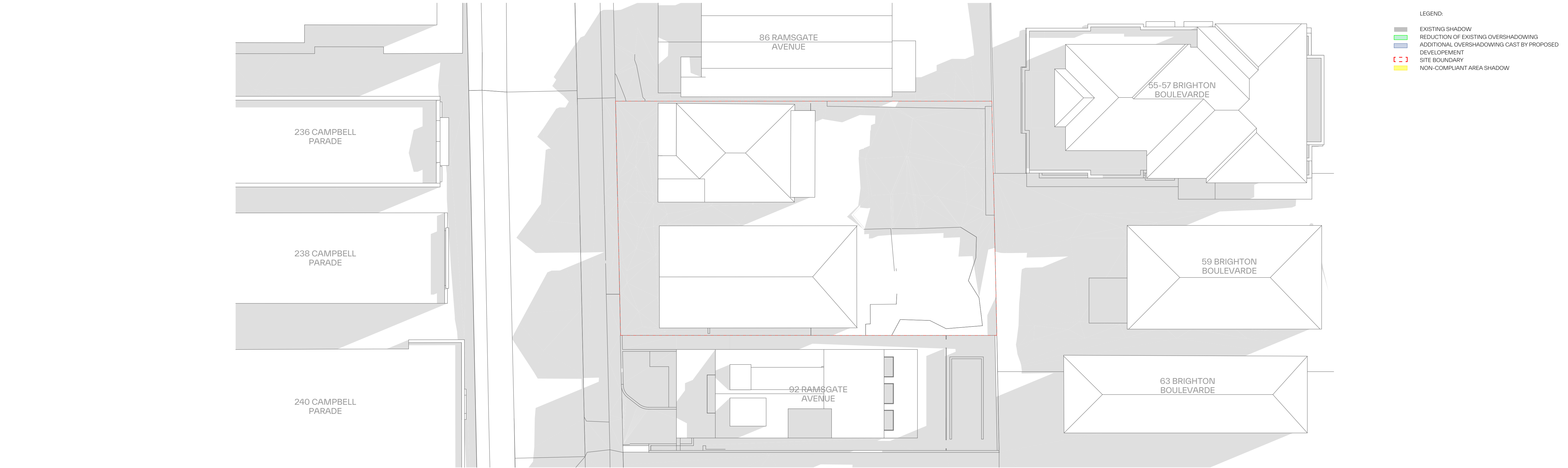
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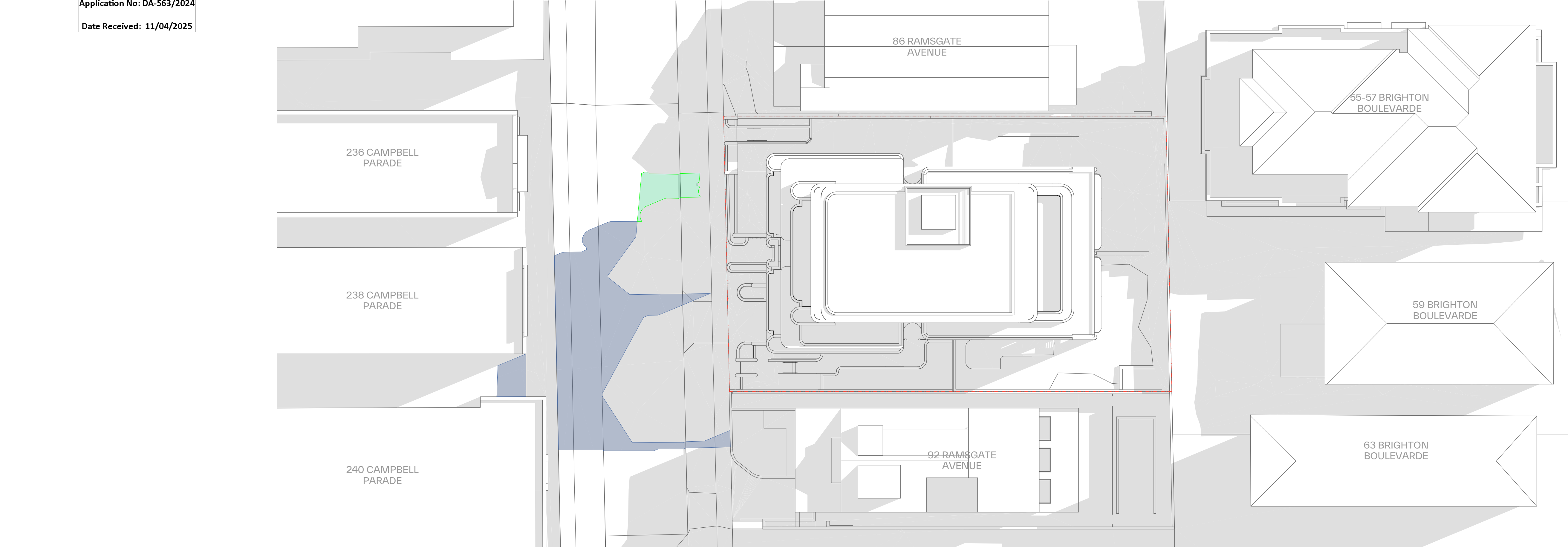
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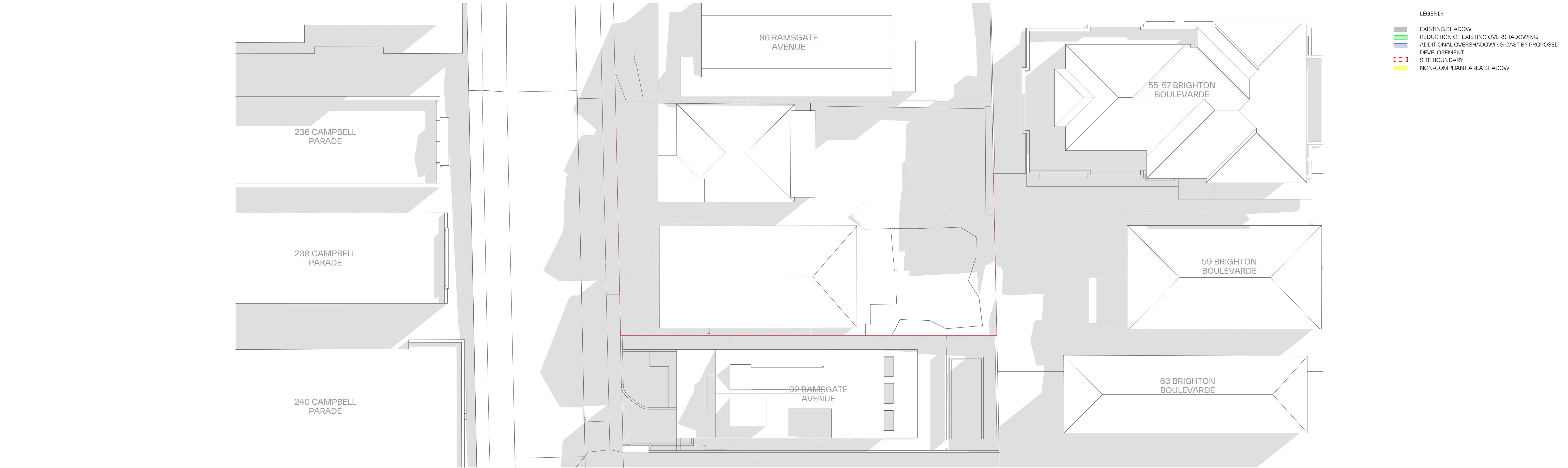


1 Shadow Study [Existing] 21 June at 1100h 1:200



2 Shadow Study [Proposed] 21 June at 1100h 1:200

AMENDED



- LEGEND:
- EXISTING SHADOW
 - REDUCTION OF EXISTING OVERSHADOWING
 - ADDITIONAL OVERSHADOWING CAST BY PROPOSED DEVELOPMENT
 - SITE BOUNDARY
 - NON-COMPLIANT AREA SHADOW

RECEIVED
Waverley Council

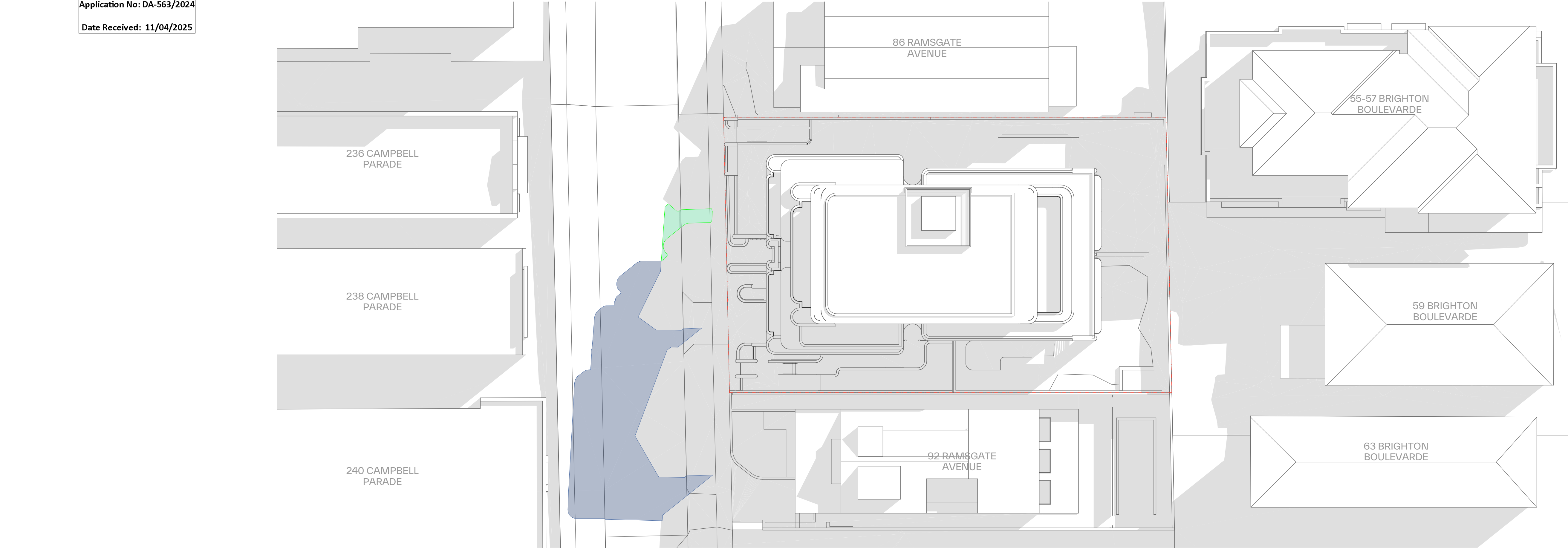
Application No: DA-563/2024

Date Received: 11/04/2025

1

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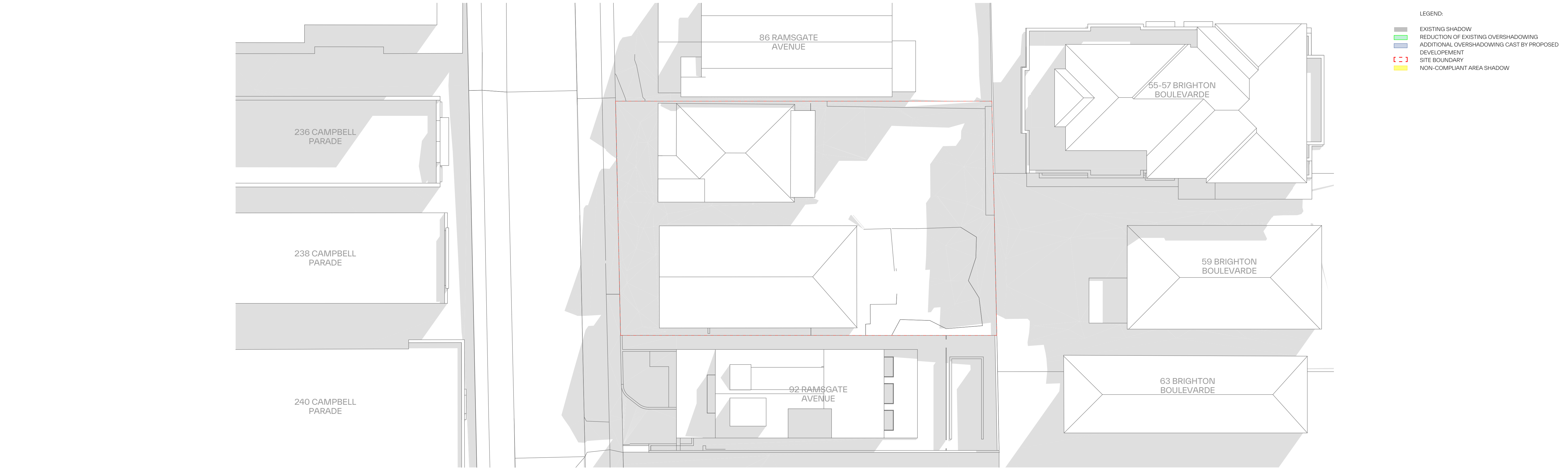


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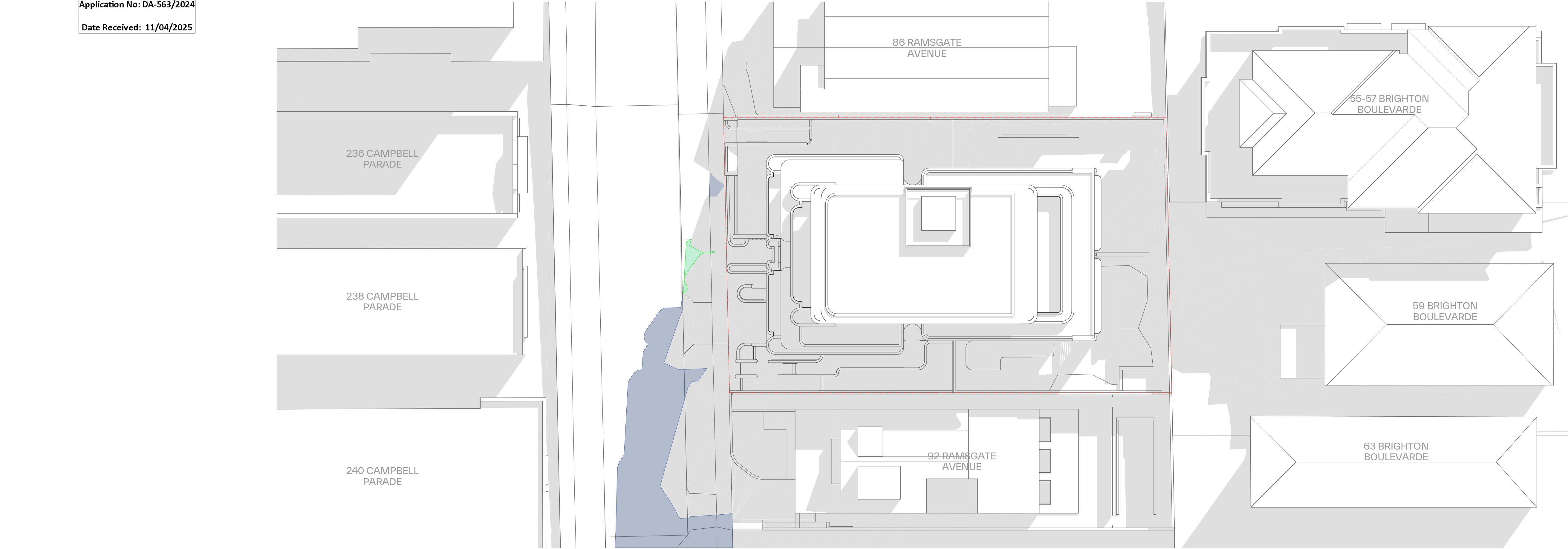
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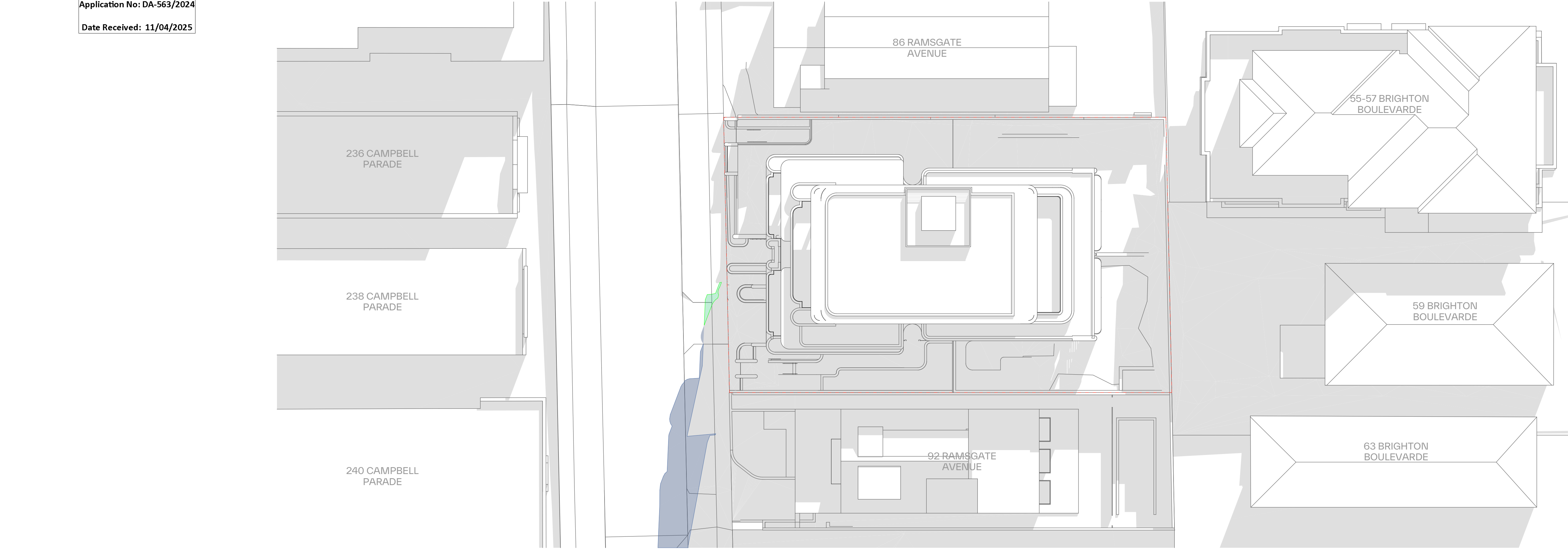


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AMENDED

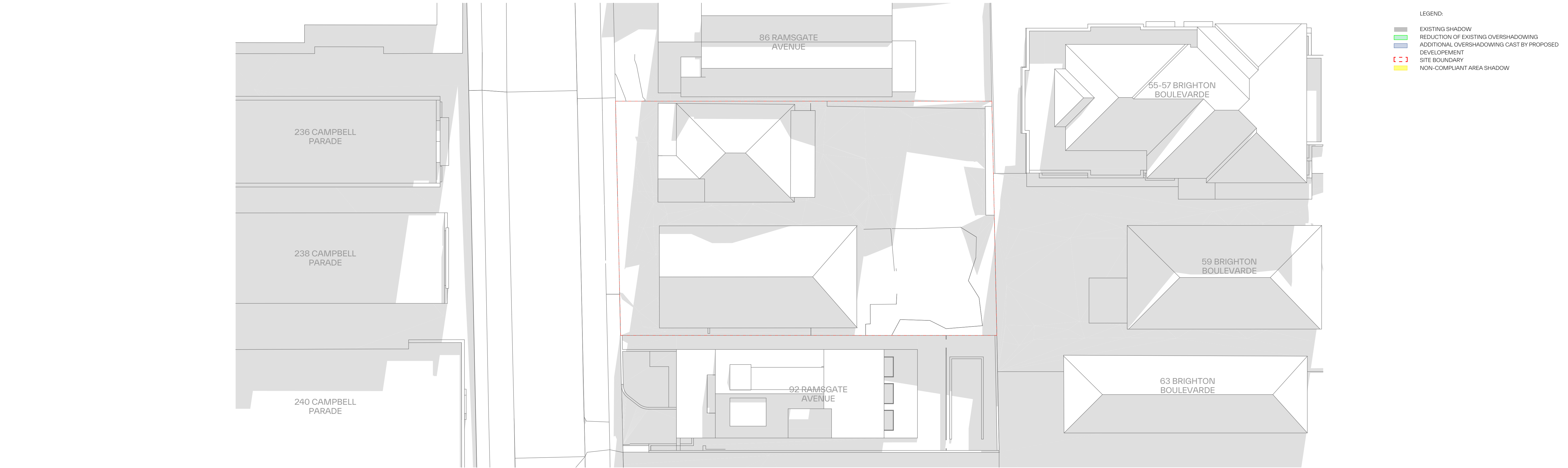


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2 Shadow Study [Proposed] 21 June at 1400h 1:200

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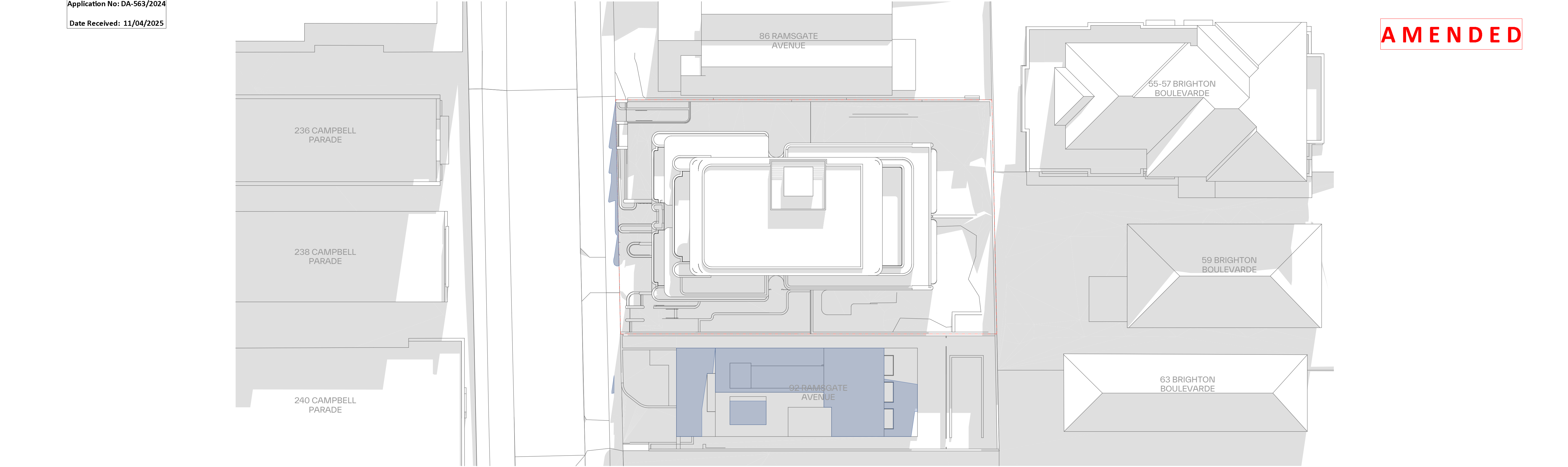
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Waverley Council

Application No: DA-563/2024

Date Received: 11/04/2025

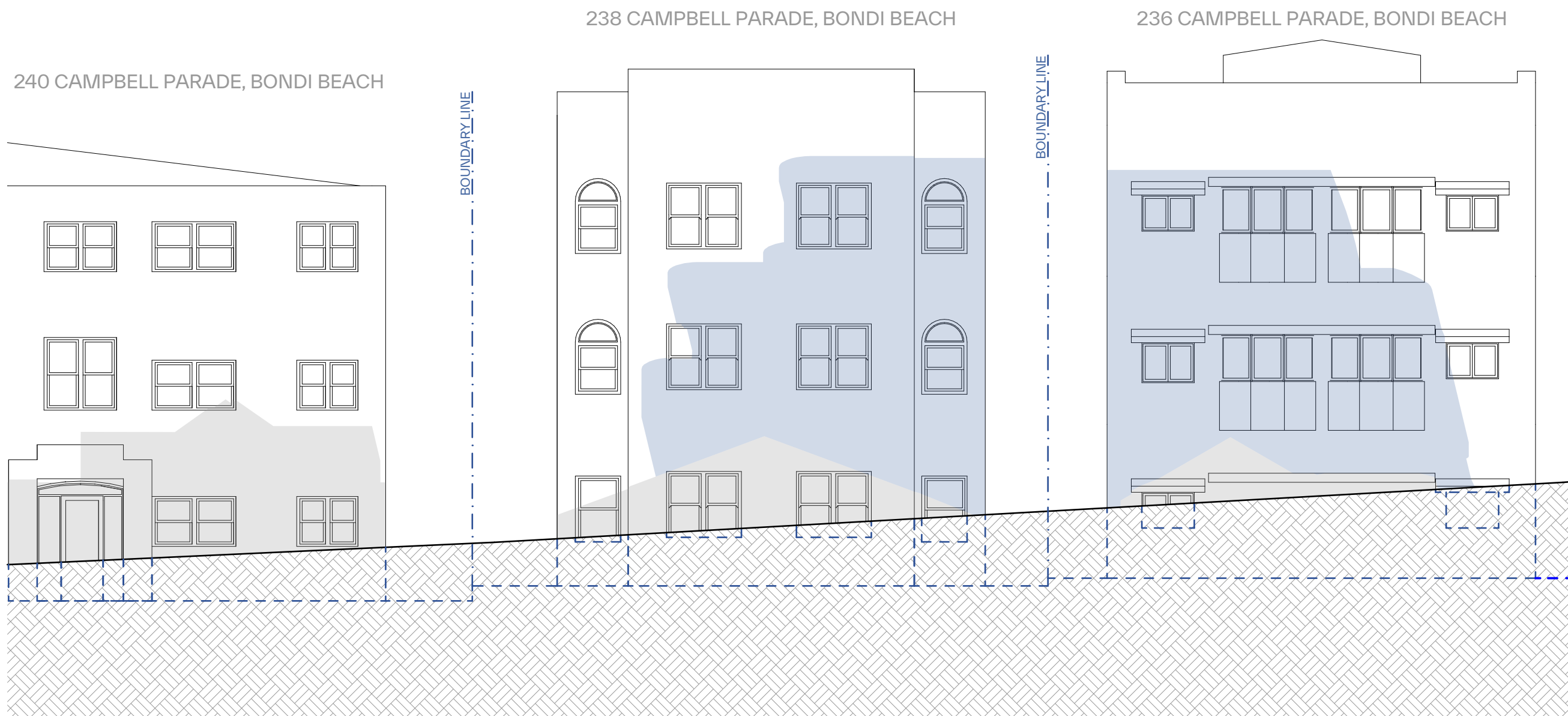


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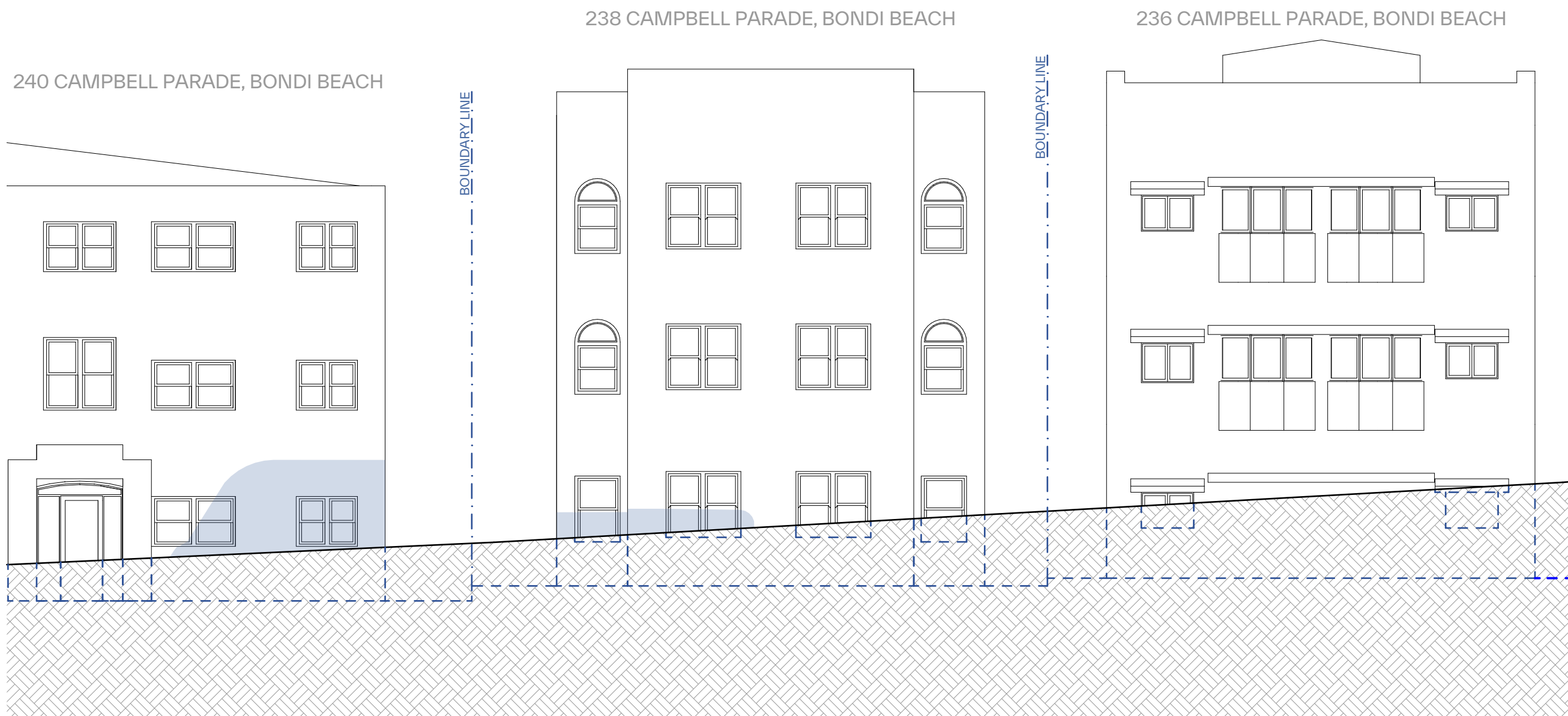
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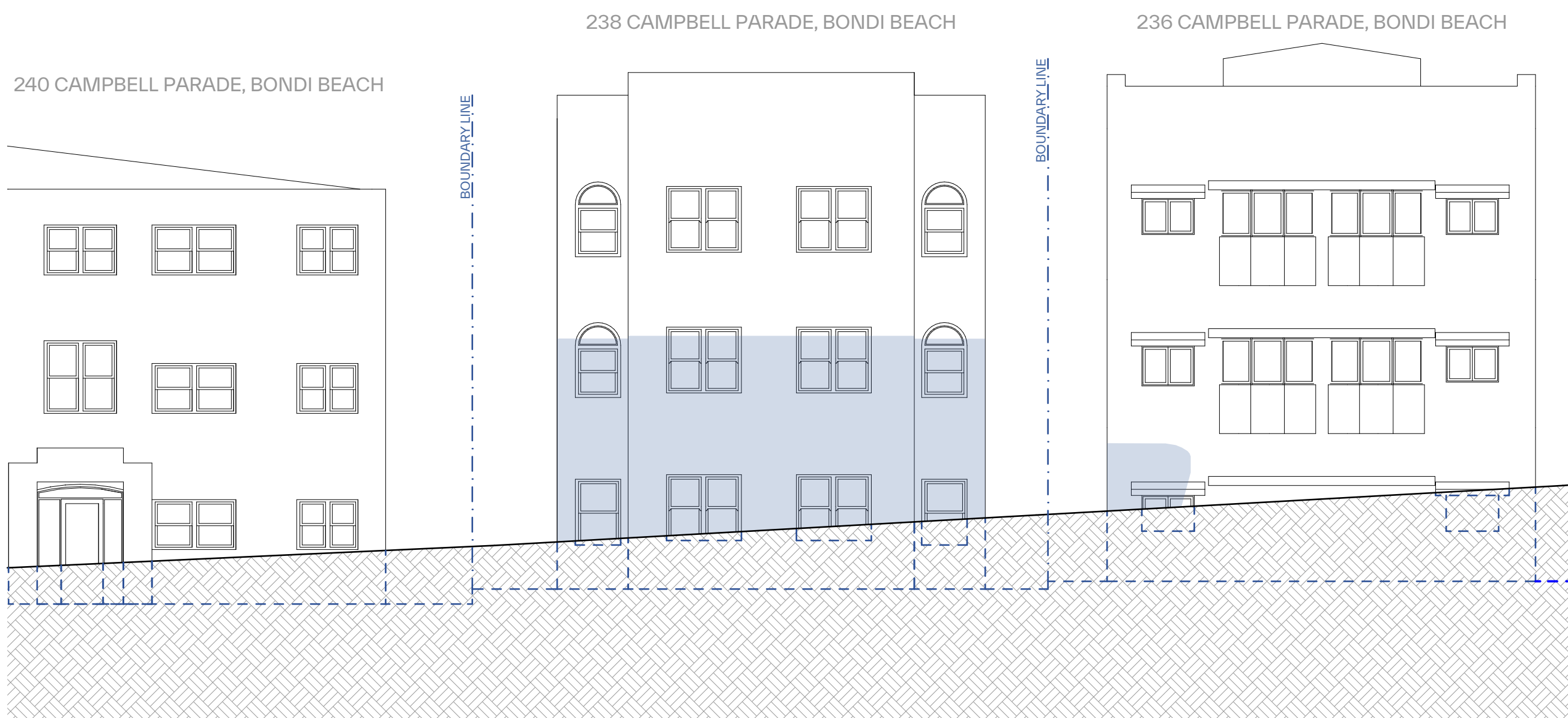
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 - NON-COMPLIANT AREA SHADOW



01 JUNE 21st - 9AM 1:100

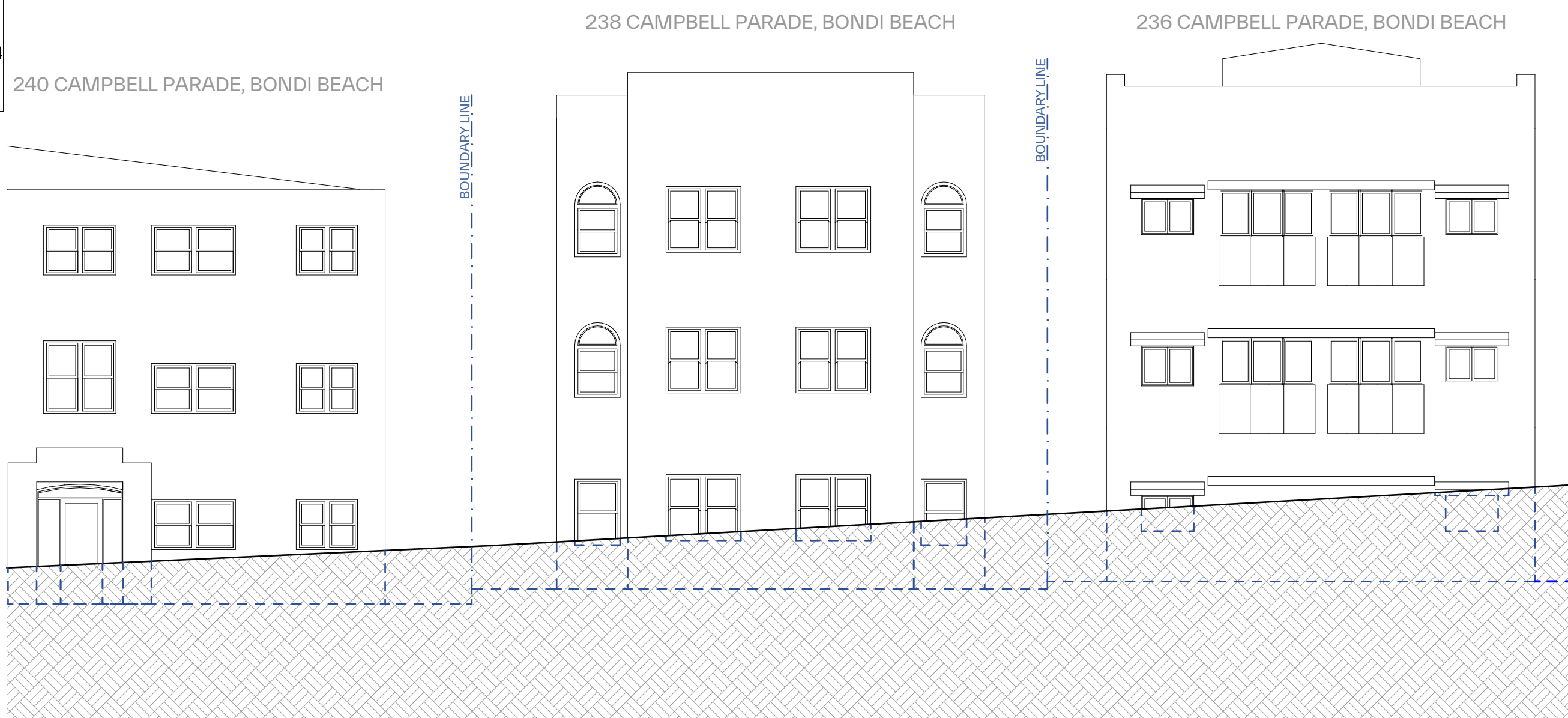


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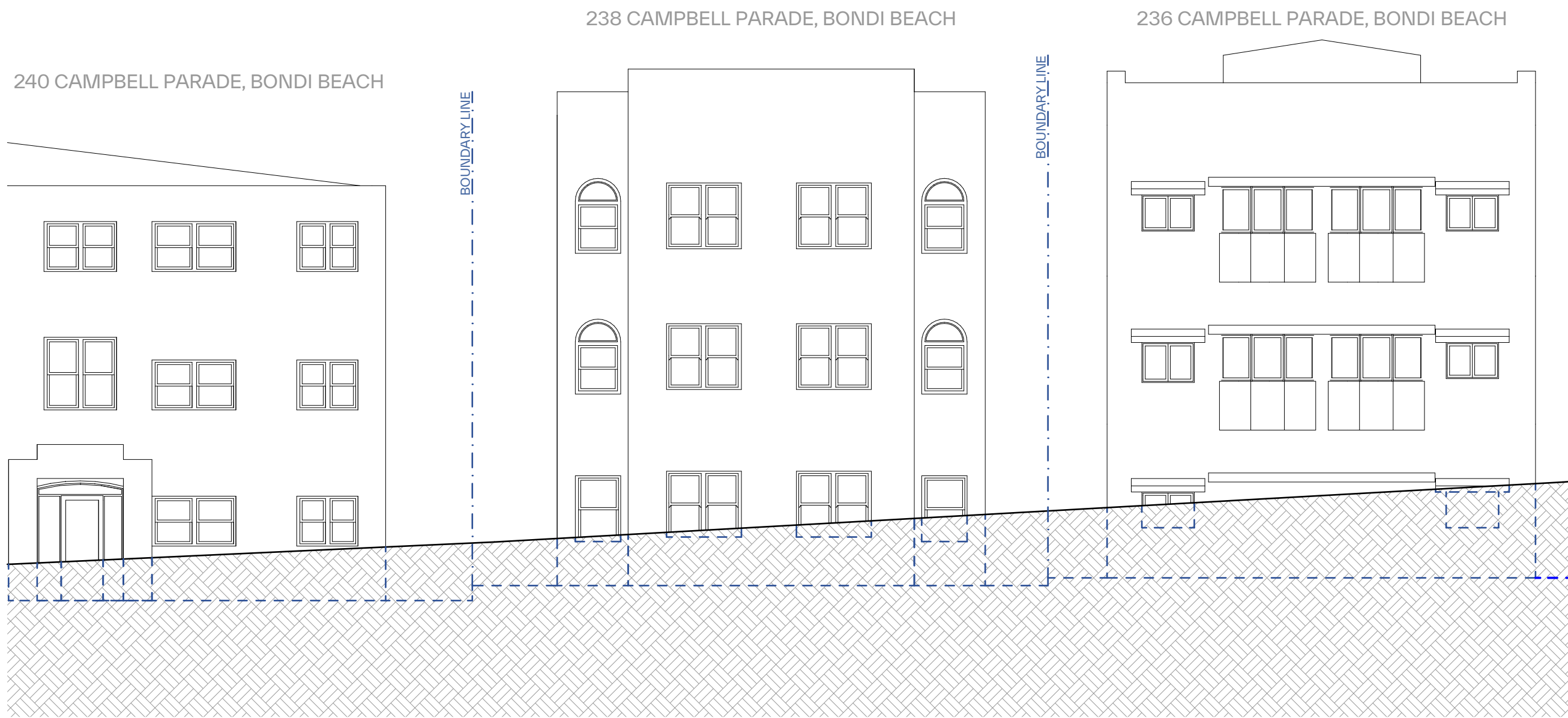
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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025



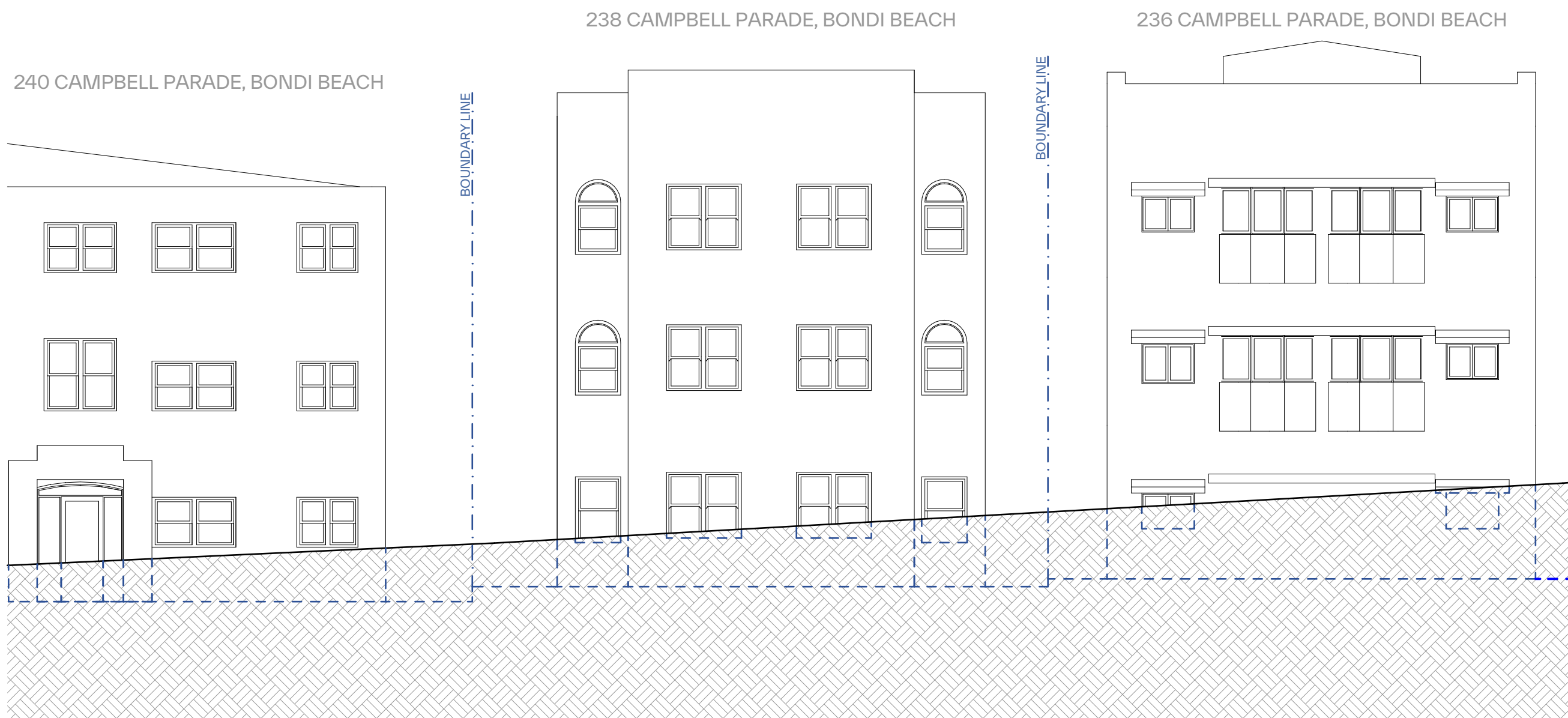
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AMENDED

- LEGEND:
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 - SITE BOUNDARY
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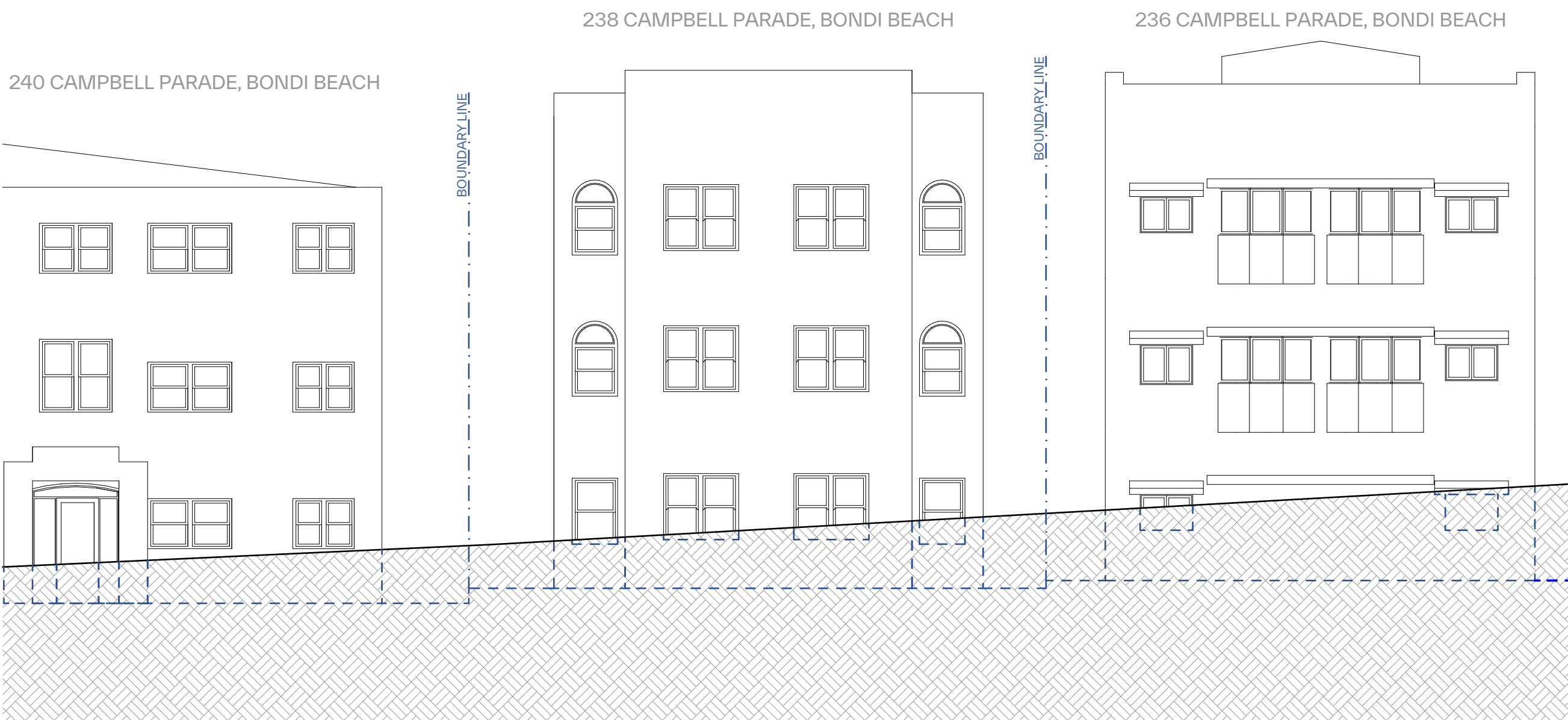


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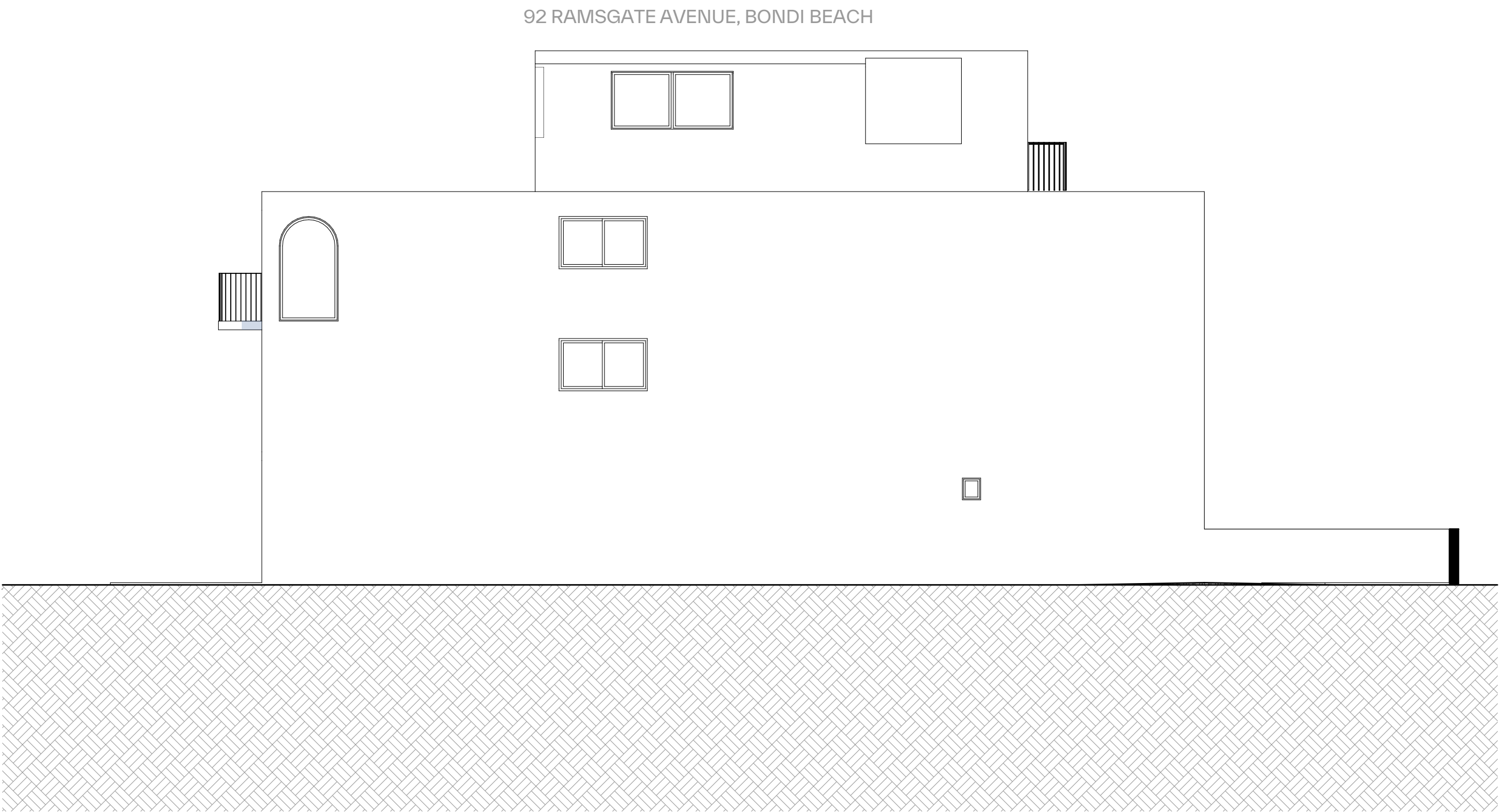
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Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025



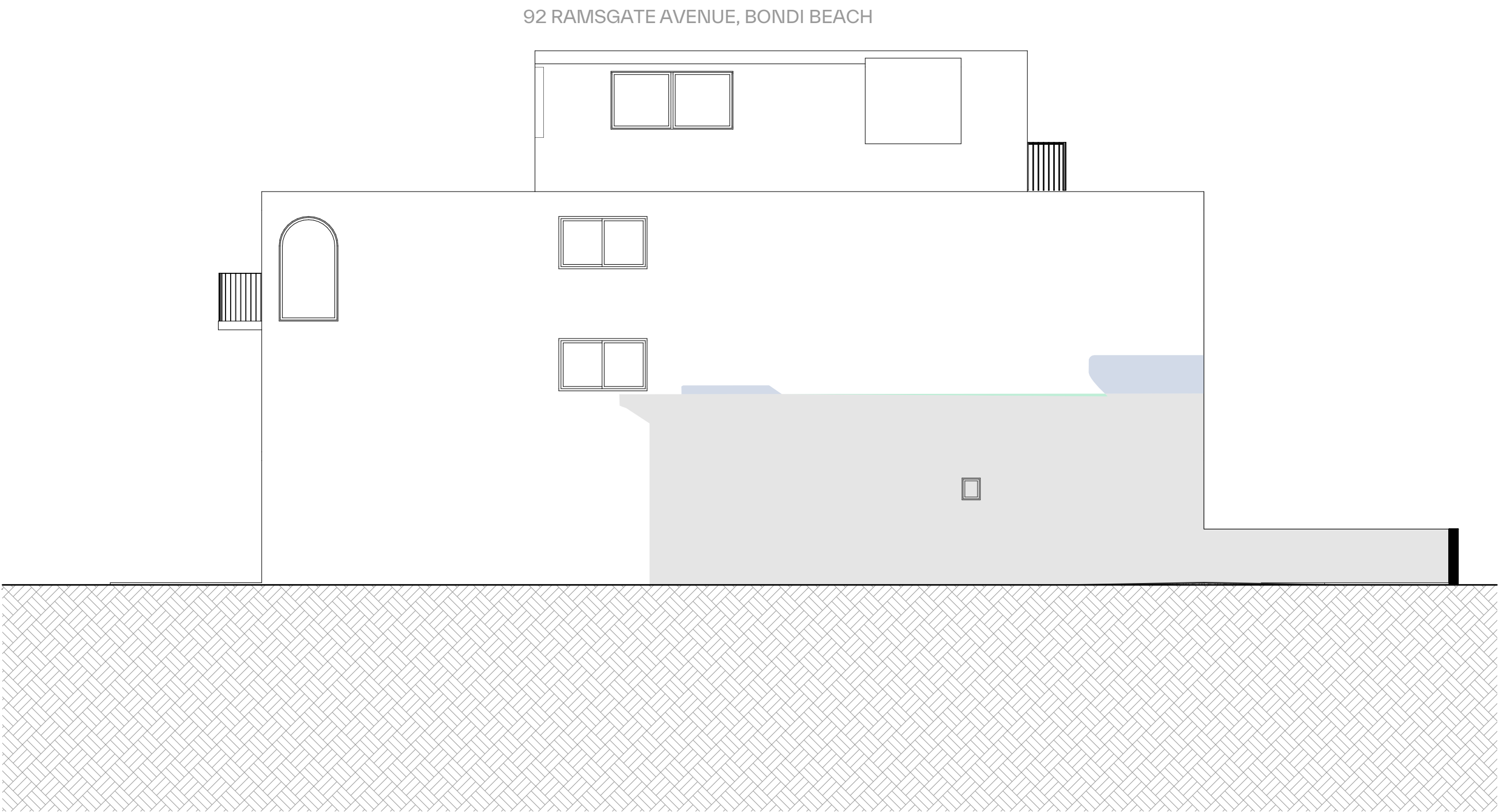
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AMENDED

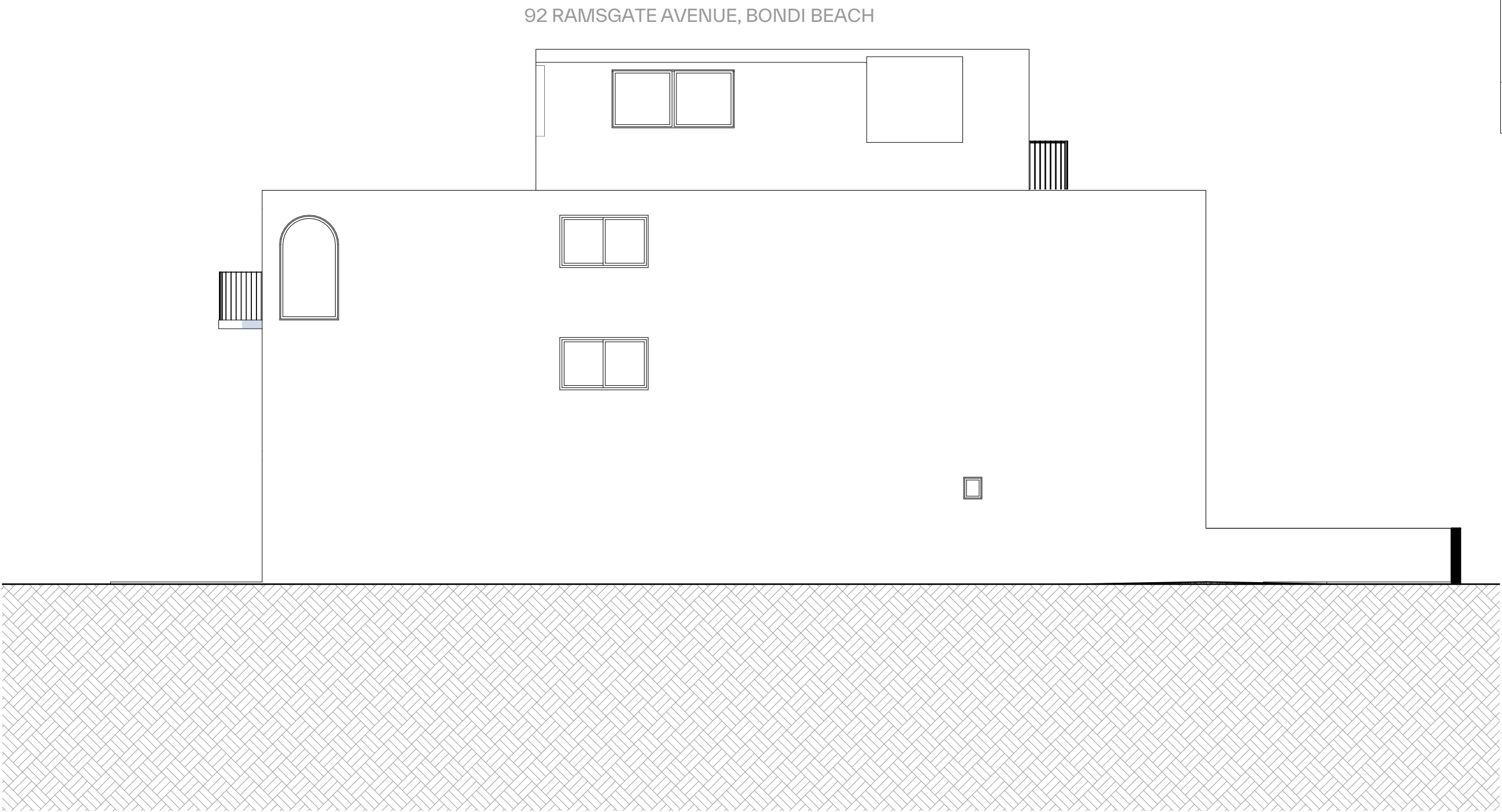
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 - SITE BOUNDARY
 - NON-COMPLIANT AREA SHADOW



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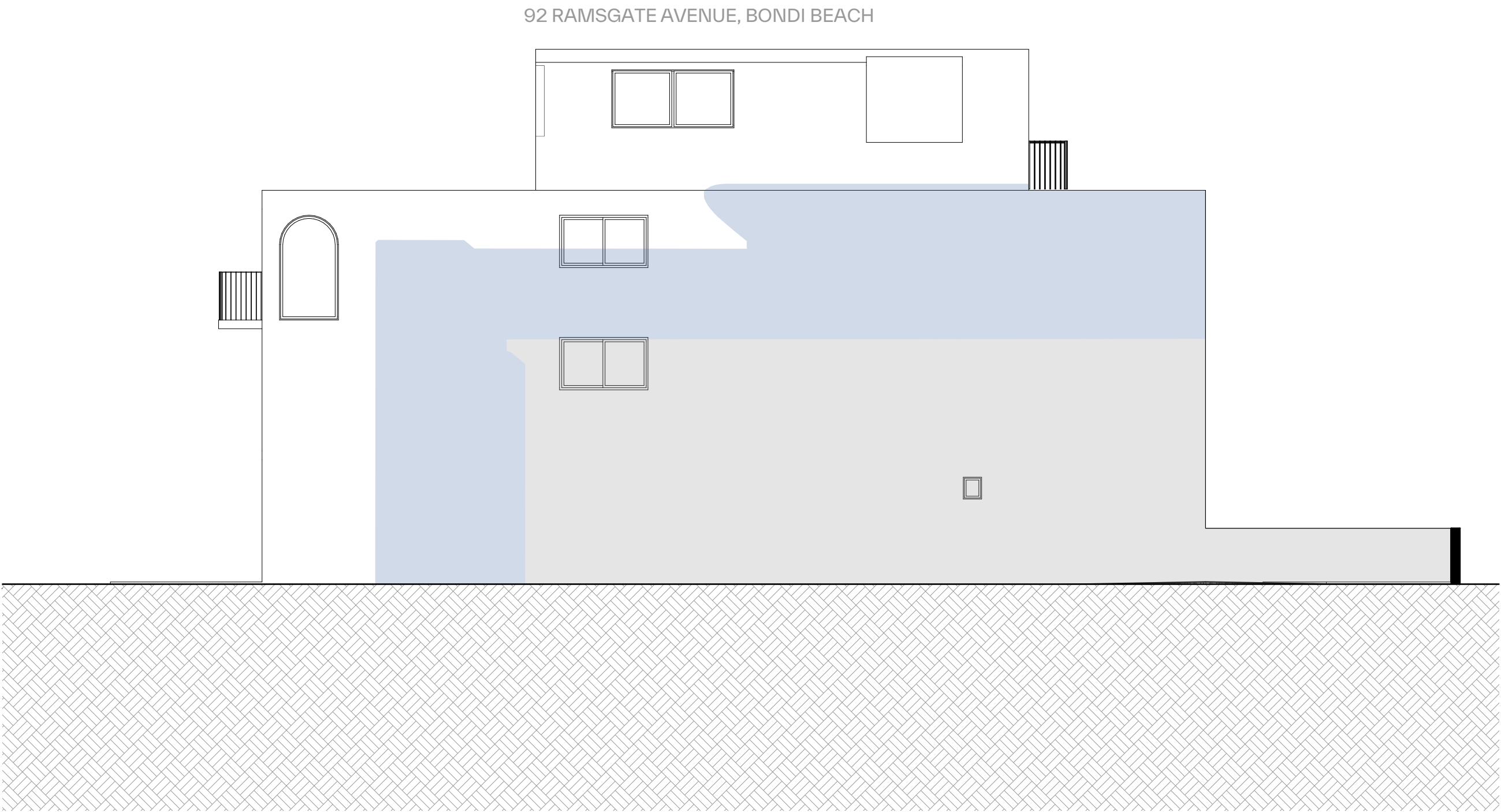


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04 JUNE 21st - 10AM 1:100

RECEIVED
Waverley Council
Application No: DA-563/2024
Date Received: 11/04/2025



04 JUNE 21st - 12PM 1:100

AMENDED



Report to the Waverley Local Planning Panel

Application number	DA-659/2024
Site address	45 Blake Street, Rose Bay
Proposal	Demolition and construction of a new two-storey semi-detached dwelling, new double garage, boundary adjustment and associated landscaping works.
Date of lodgement	2 January 2025
Owner	M Zhu and Y Shi
Applicant	Klaus Carson Studio Pty Ltd
Submissions	Three
Cost of works	\$1,987,730.00
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with minimum lot size development standard • View loss • First floor rear setback • Landscaping within front setback • Fill raising ground levels • Boundary fence height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition and construction of a new two-storey semi-detached dwelling, new double garage, boundary adjustment and associated landscaping works at the site known as 45 Blake Street, Rose Bay.

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

- Non-compliance with minimum lot size development standard
- View loss
- First floor rear setback
- Landscaping within front setback
- Fill raising ground levels
- Boundary fence height

The assessment finds these issues acceptable on merit and as conditioned as they will not result in any adverse or unreasonable impacts on the streetscape or neighbouring properties.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 25 March 2025.

The site is identified as Lot X in DP 417596, known as 45 Blake Street, Rose Bay.

The site is irregular in shape with a primary frontage of 7.62m to Blake Street and a secondary frontage of 8.64m to Victory Street. It has an area of 391.3m² and falls from the south towards the north by approximately 6m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from Blake Street.

The site is adjoined by the opposing single storey semi-detached to the east and two storey dwelling house to the west. The locality is characterised by a variety of low density residential developments.

Figures 1 to 10 are photos of the site and its context.



Figure 1: Streetscape context facing south.



Figure 2: Front setback of the site facing southeast.



Figure 3: Front setback of the site facing south.



Figure 4: Western setback facing south.



Figure 5: Western setback facing northwest towards 43 Blake Street.



Figure 6: Rear setback of the site facing south.



Figure 7: Rear setback of the site facing north.



Figure 8: Rear setback of the site facing east towards 45A Blake Street and 4 Victory Street.



Figure 9: Rear setback of the site facing west towards 43 Blake Street.



Figure 10: Rear of the site as viewed from Victory Street.

1.3. Relevant Development History

There is no recent development history on Council's records.

1.4. Proposal

The development application seeks consent for a new semi-detached dwelling, and specifically includes the following:

- Boundary adjustment along the common boundary of 45 and 45 Blake Street.
- Demolition of existing structures
- Removal of one palm tree at the rear of the site.
- Construction of a two storey semi-detached dwelling comprising:
 - *Ground floor* – Double car garage, bin/bike store, entry hall, Bedroom 1, powder room, bathroom, laundry, open plan kitchen/dining and living space.
 - *First floor* – Three bedrooms, family room, study, two bathrooms, storage and a forward terrace.
 - *Roof* – Eleven skylights and solar panels.
- Rear deck with swimming pool

- Stairs to access Victory Street via the rear boundary
- Landscaping and paving
- New driveway

1.5. Background

The background of the application is as follows:

- On 2 January 2025, the subject development application (**DA-659/2024**) was lodged with Council.
- On 3 January 2025, **DA-657/2024** for the adjoining semi at 45A Blake Street was lodged with Council seeking approval for demolition, and construction of a new two-storey semi-detached dwelling, including new carport, boundary adjustment and associated landscaping works.
- On 15 January 2025, a Stop the Clock letter was issued to the applicant requesting additional information in relation to GFA/FSR, and details throughout the plans and documentation.
- On 18 January 2025, the applicant sought an extension to respond to the Stop the Clock letter. An extension to 12 February 2025 was granted.
- On 12 February 2025, the applicant submitted amended plans and documentation.
- On 23 April 2025, a deferral letter was issued to the applicant requesting amended plans and additional information in relation to setbacks, view impacts, landscaping, stormwater, and details throughout the plans and documentation.
- On 6 and 7 May 2025, the applicant submitted amended plans and documentation.
- On 19 May 2025, amended architectural plans, subdivision plans and Clause 4.6s were requested from the applicant.
- On 20 May 2025, the applicant submitted amended plans and documents.
- On 28 May 2025, an updated view analysis was requested.
- On 2 June 2025, an updated view analysis was provided.

The amended plans and documents received on 20 May and 2 June 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs is provided below:

SEPP (Transport and Infrastructure) 2021

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of SEPP (Transport and Infrastructure) 2021 as the proposal includes development within 5m of an exposed overhead electricity power line. Ausgrid raised no objection to the proposal. Refer to section 3.5 for Ausgrid's comments.

SEPP (Housing) 2021 – Chapter 6 Low and Mid Rise Housing (LMR)

The site is identified as being partially within the indicative LMR housing area. The relevant matters to be considered under the SEPP (Housing) 2021 are outlined below:

Table 1: SEPP (Housing) 2021 - Chapter 6 Low and Mid-rise Housing Compliance Table

Provision	Compliance	Comment
Chapter 6		
Part 1 Preliminary		
162 Aim of chapter	Yes	The aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport. The proposal achieves the aims.
164 Land to which this chapter applies	Yes	The land is not excluded from this chapter of the SEPP.
Part 2 Dual occupancies and semi-detached dwellings		
Division 1 – Preliminary		
166 Development permitted with development consent <ul style="list-style-type: none">• <i>R2 Low Density Residential Zone</i> <i>Development for the purposes of dual occupancies or semi-</i>	Yes	The proposal includes a new semi-detached dwelling which is permitted with consent in the R2 Low Density Residential zone. The requirements stipulated under clause 167, 168, and 169 relating to landscaping, non-discretionary development standards and

Provision	Compliance	Comment
<i>detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential.</i>		subdivision relate specifically to dual occupancies and therefore do not apply to this site. A further assessment under SEPP (Housing) 2021 is therefore not required.

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

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> 500m² 	No	<p>The existing site comprises an area of 391.3m² and does not comply with the 500m² minimum lot size requirement by 108.7m² or 21.74%.</p> <p>As part of the subject application and the application concurrently being assessed for 45A Blake Street under DA-657/2024, realignment of the common boundary between 45 and 45A Blake Street is proposed.</p> <p>The boundary adjustment results in an overall increase of 0.3m² to 45 Blake Street and a 0.3m² decrease to 45A Blake Street. The amendments to the lot sizes are as follows:</p> <p><u>45 Blake Street:</u></p> <ul style="list-style-type: none"> Existing - 391.3m² (108.m² or 21.74% non-compliance). Proposed - 391.6m² (108.4m² or 21.68% non-compliance). <p><u>45A Blake Street:</u></p> <ul style="list-style-type: none"> Existing - 432.2m² (67.8m² or 13.56% non-compliance). Proposed - 431.9m² (68.1m² or 13.62% non-compliance).

Provision	Compliance	Comment
		Refer to the detailed assessment provided below this table.
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal comprises a building height of 8.01m and complies with the building height development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Site area = 391.6m² 0.67424:1 (264.03m²) 	Yes	The proposal comprises a GFA of 239.63m ² which equates to an FSR of 0.611:1 and complies with the FSR development standard.
Part 5 Miscellaneous provisions		
5.21 Flood Planning	Yes	<p>The site is identified to be within a low flood risk precinct.</p> <p>The proposal includes raising of the ground level within the western setback area, with the ground floor of the dwelling proposed slightly lower than the ground floor of the existing dwelling.</p> <p>Council's Stormwater Management Department raised no objection to the proposal, subject to the following condition:</p> <p>FLOODING REQUIRMENTS</p> <p><i>The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.</i></p> <p><i>In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate:</i></p>

Provision	Compliance	Comment
		<p>(a) The amended flood risk management report to include the crest of the driveway providing access between the road and basement car- parking shall be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher.</p> <p>(b) The evacuation requirements of the development during flooding shall be considered in the updated Flood Risk Management Report.</p> <p>(c) Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.</p> <p>As conditioned, the proposal will not result in any adverse impacts with regard to flooding.</p>
Part 6 Additional local provisions		
6.2 Earthworks	Yes	<p>The proposal includes fill along the western boundary in order to level out the topographical fall across the site.</p> <p>The extent of fill proposed would result in an undesirable relationship with 43 Blake Street and therefore a condition of consent has been included to reduce the ground levels towards the rear of the site.</p> <p>No objection has been raised by the adjoining property, and when acting in accordance with the conditions of consent, the proposal will not result in any adverse impacts on the surrounding environment.</p>
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

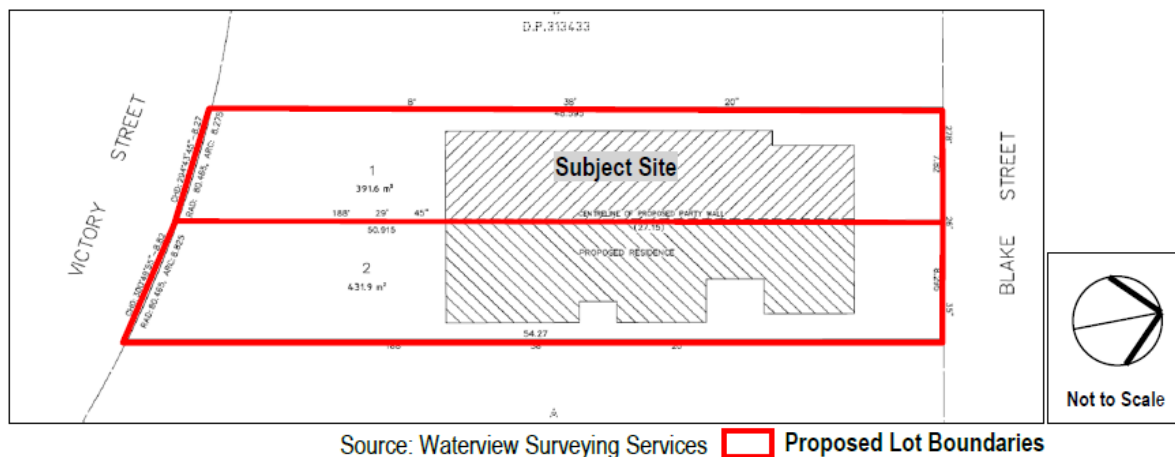
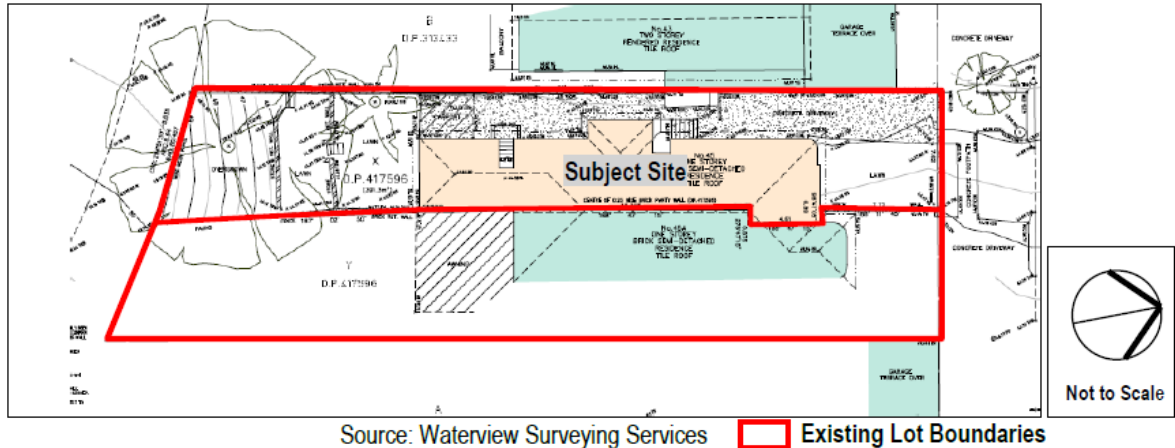
The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Development Standards - Minimum Subdivision Lot Size

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The site is subject to a minimum lot size development standard of 500m². The proposal would result in a lot size of 391.6m², representing a 108.4m² or 21.68% non-compliance with the development standard. It is noted that the existing site comprises an area of 391.3m² and already exceeds the development

Below are the existing and proposed boundary configurations detailed in **Figure 1** and **Figure 2** of the submitted Clause 4.6 Variation Request.



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

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

161

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) *Despite the non-compliance, the proposal will be consistent with the low density character of the locality.*
 - (ii) *The proposal will continue to provide two allotments which can support the proposed new pair of semi-detached dwellings which comply with the stipulated built form controls.*
 - (iii) *The existing site is below the minimum lot size development standard; therefore any boundary adjustment would not be able to comply with the minimum requirement.*
 - (iv) *The proposal will retain the existing number of lots and the existing subdivision pattern and will be consistent with the existing context and subdivision patterns present within the locality.*
 - (v) *There are other examples in the vicinity of the site which have similar non-compliances with the minimum lot size standard.*
 - (vi) *The proposal complies with the majority of the built form controls including with regard to height, FSR, setbacks, landscaping and open space.*
 - (vii) *The proposal demonstrates that the development for a semi-detached dwelling which will have a bulk, scale and character in keeping with the desired future character of the area can be accommodated on the site, irrespective of the numerical lot size departure.*
 - (viii) *The proposal will maintain adequate separation from neighbouring properties and will not result in any adverse impacts on the streetscape, neighbouring properties, or future occupants with regard to solar access, views, privacy, acoustic amenity, or streetscape character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established by the Court in Wehbe.*
 - (ii) *The proposal includes a minor adjustment to the existing common boundary with 45A Blake Street in order to remove the 'dog leg' within the centre of the site and create two rectangular lots in order to facilitate the proposed new pair of semi-detached dwellings.*
 - (iii) *Whilst the extent of the non-compliance with the minimum lot size development standard is 108.4m² (21.6%) for the lot, the difference from the existing arrangement represents a minor variation of 0.3m² (0.076%) from the existing situation.*
 - (iv) *Despite the non-compliance the site is able to accommodate an LEP and DCP compliant building envelope which is in keeping with the desired future character of the locality.*
 - (v) *The proposed lot sizes are compatible with the surrounding subdivision pattern in the locality, and the lot shapes, dimensions and orientation will align with existing lots along Blake Street and surrounding streets.*
 - (vi) *The proposal will satisfy the objectives of the R2 zone, in particular, it will respond to the housing needs of the community whilst being compatible with the surrounding low density environment, it will be of a built form which is contextually compatible, it will provide housing which meets the needs of the community, and it has been designed to achieve an improved landscape and sustainability outcome.*

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, and the relevant legislation. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]

It is agreed that the existing site is already under the minimum lot size development standard and that the proposal results in a minor adjustment to the existing situation. The proposal will not be incompatible with existing subdivision patterns present within the locality and the proposed boundary adjustment will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties. Despite the non-compliance, the proposal will therefore satisfy the objectives of Clause 4.1 Minimum Subdivision Lot Size, and the applicant has adequately demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

It is agreed that despite the non-compliance the proposal will satisfy the objectives of the R2 zone as well as the objectives under Clause 4.1 Minimum Subdivision Lot Size, and that the proposal includes only a minor amendment to the site's existing arrangements. The proposal will facilitate a compliant

building envelope and comprise a subdivision pattern and built form which is in keeping with the context of the locality and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties as a result of the non-compliance.

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

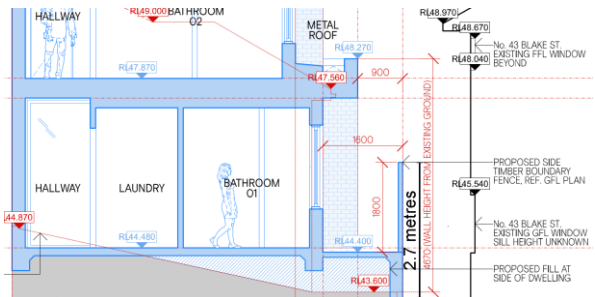
The written request provided by the applicant to vary the minimum lot size development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes (as conditioned)	<p>The plans detail that ceiling fans will be provided in all habitable rooms however detail that a gas cook top is proposed which does not comply with control (c) under part 2.3 <i>Indoor Air Quality</i>.</p> <p>A condition of consent has therefore been included which stipulates that electric cooking facilities should be provided.</p>
3. Landscaping, Biodiversity and Vegetation Preservation	Yes (as conditioned)	<p>The site is not identified as being located within a Habitat Corridor.</p> <p>The proposal includes the removal of a Phoenix Palm at the rear of the site. Council's Tree Management Officer raised no objection to removal of the tree and has recommended tree protection conditions for existing trees within the subject site and neighbouring properties.</p>
5. Water Management	Yes	Satisfactory. Council's Stormwater Management Department raised no objection to the proposal subject to conditions of consent.
7. Transport 7.2.2 Parking Rates	Yes	The site is located within Parking Zone 2 which permits up to two car spaces for a dwelling with three or more bedrooms. The proposal includes a

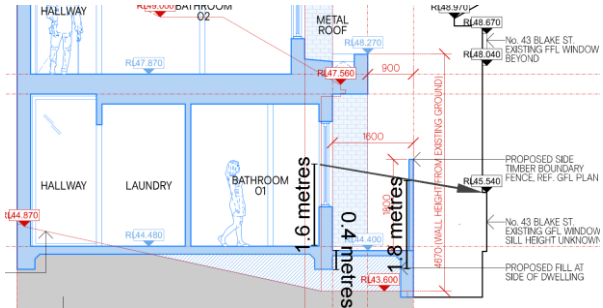
Development Control	Compliance	Comment
<p><i>Minimum parking rate:</i></p> <ul style="list-style-type: none"> • 0 <p><i>Maximum parking rate:</i></p> <ul style="list-style-type: none"> • 2 		<p>double car garage for a new four bedroom dwelling and complies with this requirement.</p> <p>The new garage will be integrated into the design of the dwelling and sited in a location which is compatible with the existing on-site parking arrangements and the context of the streetscape.</p>
11. Design Excellence	Yes	As conditioned, the proposal will demonstrate design excellence.
13. Excavation	No (acceptable on merit and as conditioned)	<p>The proposal includes fill within the western portion of the site as well as at the rear of the site in order to raise the ground levels by up to approximately 900mm above the existing ground level which is contrary to control (k) which stipulates that fill is not to be used to raise the ground level.</p> <p>The extent of fill is proposed in order to level out the sloping topography and provide a more compatible relationship with the ground levels within the adjoining site at 45A Blake Street.</p> <p>The raising of the ground level would however result in an undesirable relationship with the adjoining property at 43 Blake Street at the rear as it would result in a boundary fence with a height of 2.7m as measured from the existing ground level within 43 Blake Street as detailed on section BB below, which would be contrary to the 1.8m maximum height control for boundary fencing as per control (d) under section 1.3 <i>Fences</i> of part C1 <i>Low Density Residential Development</i> of Waverley DCP 2022 as detailed in the fencing assessment below.</p>  <p>Figure 11. Marked up image of section BB.</p> <p>To minimise impacts and provide a more compatible relationship with the neighbouring property, a condition of consent has been included which requires the proposed ground</p>

Development Control	Compliance	Comment
		level to be reduced within the rear section of the western side setback and at the rear. As conditioned, the extent of fill proposed throughout the site will be reduced to an acceptable level.

Table 4: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal as conditioned does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes	The proposal comprises a wall height of up to 7.39m and complies with the 7.5m wall height control.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line (adjacent three neighbours on either side) Predominant rear building line at each floor level (adjacent three neighbours or either side) Development at first floor level and above shall be set back from the rear building line of the ground floor level 	No (acceptable on merit and as conditioned)	<p>The front setbacks proposed at the ground and first floor will be compatible with the predominant front building line presented by the three properties neighbouring to the west and will be appropriate for the streetscape.</p> <p>The rear setbacks proposed at the ground and first floor will however extend beyond the predominant rear building lines presented by the properties neighbouring to the east and west.</p> <p>The rear setback at the ground floor will be consistent with the existing ground floor rear setback, will not result in any adverse impacts and is acceptable.</p> <p>During the assessment, amended plans detailing an increased first floor rear setback were requested. Amended plans detailing a slight increase to the first floor rear setback were provided, however the setback provided was not sufficient to demonstrate a compatible first floor rear building line.</p> <p>A condition of consent has therefore been included which requires the first floor rear setback to be increased so that it does not extend further south than the first floor rear setback at 39 Blake Street. This can be achieved through removal of the void adjacent the staircase and therefore</p>

Development Control	Compliance	Comment
		would have minimal amendments to the floor plate. As conditioned, the proposal will demonstrate a compatible rear alignment, and bulk and scale and impacts on the amenity of the neighbouring properties will be adequately minimised.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors.) 	Yes	The proposal complies with the minimum side setback requirements.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes	<p>The proposal will not be incompatible with the streetscape context which comprises a mix of built forms.</p> <p>The large tree at the rear of the site which contributes to streetscape character and the provision of canopy within the locality is to be retained and protected as part of the proposal.</p>
1.4 Fences		
<u>Front:</u> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m in height <u>Side and Rear:</u> <ul style="list-style-type: none"> Maximum height of 1.8m 	No (acceptable as conditioned and on merit)	<p>The proposal includes a new fence along the western boundary which based on the information provided (e.g. Figure 11 above which details part of section B detailed on DA_3.02) would comprise a height up to 2.7m as measured from the existing ground level within the adjoining property at 43 Blake Street and therefore exceeds the 1.8m maximum height control in accordance with control (d) which stipulates:</p> <p>(d) Side and rear boundary fences are not to exceed 1.8m above the existing ground level of adjoining properties and are to taper down from the front building line to match the height of the front fence at the front boundary (refer to Figure 10).</p> <p>To minimise impacts on the adjoining property whilst maintaining an adequate level of privacy, a condition of consent has been included which requires the proposed ground level within the western setback between the building entry (where section C is detailed on the ground floor plan) and the rear/southern elevation of the dwelling to be reduced by 400mm, with the height of the boundary fence reduced accordingly.</p> <p>As per the black mark ups in Figure 12 below, reducing the ground level by 400mm whilst</p>

Development Control	Compliance	Comment
		<p>maintaining a 1.8m boundary fence as measured from 45 Blake Street will continue to provide privacy between 43 and 45 Blake Street.</p>  <p>Figure 12. Marked up image of section BB.</p> <p>A condition of consent has also been included which requires the rear courtyard and swimming pool area to be reduced by 200mm.</p> <p>As conditioned, the western boundary fence will be reduced to a height of approximately 2.3m as measured from the existing ground level within 43 Blake Street. Whilst still exceeding the 1.8m control, it will provide an improved relationship between 43 and 45 Blake Street whilst continuing to provide privacy between the two properties as detailed above.</p> <p>No front boundary fencing is proposed and the fencing proposed along the rear and common boundary with 45A Blake Street will comprise a height of 1.8m, complying with the maximum height control.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design External stairs are not acceptable. Maximum size of balconies: 10m² in area 1.5m deep 	<p>No (acceptable on merit and as conditioned)</p>	<p>A first floor terrace comprising an area of 26.3m² and internal dimensions of 5.9m and 4.5m is proposed at the front of the site which exceeds the maximum width and area control stipulated under control (e).</p> <p>To minimise impacts and achieve greater compliance with the stipulated controls, a condition of consent has been included which requires a planter box with a minimum internal width of 1m (as has been provided along the western side) to be provided along the northern (front) side of the terrace. As conditioned, the size of the terrace will be reduced, and the landscaping provided along the frontage will soften the built</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof tops to be non-trafficable unless predominant in the immediate vicinity 		<p>form and provide an improved streetscape outcome.</p> <p>It is noted that the northern elevation (DA-2.11) and section FF (DA-3.04) already detail this planter box incorporated, however it is not detailed on the floor plan or long sections.</p> <p>As discussed above, a condition of consent has been included which requires the ground levels within the western setback and the rear courtyard to be reduced in order to provide an improved relationship with the adjoining property at 43 Bake Street.</p> <p>As conditioned, the proposal will not result in any adverse or unreasonable privacy impacts.</p>
1.6 Solar access		
<ul style="list-style-type: none"> Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>The proposal complies with the building height and FSR development standards and has and will be (by condition) set back an adequate distance from the property boundaries.</p> <p>Whilst the proposal will result in some additional overshadowing, it will not result in the neighbouring properties receiving less than 3 hours of solar access to their private open space, and will not result in any unreasonable overshadowing of north facing habitable room windows.</p> <p>The proposal therefore satisfies the minimum requirements and is acceptable.</p>
1.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>Please refer to the detailed assessment provided below this table.</p>
1.8 Car parking		
1.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit 	Yes	<p>The proposal includes a new integrated double garage at the front of the site and relocation of the single width vehicular crossing to the east so that it is in line with the new garage.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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>Due to the topography of the site and the surrounding context, providing parking at the front of the site as opposed to via the rear boundary is considered to be appropriate.</p> <p>The proposal will not result in the loss of more than one car space, will not result in any adverse impacts on on-street parking and is acceptable.</p>
1.8.2 Parking rates	Yes	The proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location <ul style="list-style-type: none"> Parking to be behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	<p>The new garage will be integrated within the dwelling and will not sit forward of the predominant front building line.</p> <p>Providing parking at the front of the site is considered more appropriate than on the rear boundary considering the streetscape context of both frontages, the steep topography of the site and the presence of the mature tree on the rear boundary.</p>
1.8.4 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 garage will be integrated into the design of the dwelling and will not be incompatible with the context of the streetscape.
1.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Satisfactory.
1.8.6 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	A new 3m wide single width vehicular crossing is proposed which complies with the maximum requirements and will not result in the loss of more than one on-street car space.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 20% of site area, with at least half deep soil 	No (acceptable on merit and as conditioned)	The proposal complies with the minimum open space and landscaped area requirements for the site, however does not comply with the 50% minimum landscaped area requirement forward of the building line.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 		<p>To increase the provision of landscaping forward of the building line, a condition of consent has been included which requires the entry path along the western boundary between the northern boundary and the garage to comprise stepping stones through landscaping.</p> <p>As conditioned, the provision of landscaping forward of the building line will be appropriate for the site.</p>
1.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy All pool equipment to be enclosed within an acoustically treated enclosure 	Yes	<p>The proposed swimming pool will be located an ample distance from the property boundaries and will not result in any adverse impacts on visual privacy.</p> <p>A condition of consent has been included which requires the swimming pool pump to be located in a soundproof enclosure.</p>
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form <ul style="list-style-type: none"> Demolition of one semi-detached dwelling to a pair is not supported Additions to match the style of the original semi-detached dwelling 	Yes	<p>Demolition of the existing semi is acceptable as demolition of the adjoining semi at 45A Blake Street is also proposed under DA-657/2024.</p> <p>The style and built form will be compatible across the pair of semi's and they will be compatible with the context of the streetscape.</p>
1.13.3 Material finishes and detail for semi-detached dwelling	Yes	The external materials and finished proposed will be compatible with the adjoining semi proposed under DA-657/2024 and will not be incompatible with the streetscape context.
1.13.6 Common or shared party walls	Yes	Conditions of consent have been included stipulating that the proposal is to be constructed in manner which does not result in any adverse impacts on the adjoining semi.
1.14 Dual Frontage Development		
1.14.1 General Controls <ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street 	Yes	The proposal appropriately addresses both street frontages.

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

Views

Section 1.7 in Part C1 of the Waverley DCP 2022 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain.

The proposal will not result in any loss of views from the public domain and is considered consistent with the objectives and provisions of the DCP in this regard.

During the notification period, view loss concerns were raised by the properties neighbouring to the west of the site at 47 Blake Street and 4 Victory Street. A site inspection of 47 Blake Street was undertaken on 25 March 2025 and an inspection of 4 Victory Street was undertaken on 22 May 2025. The photos from the inspections are provided below.

The potential view loss impacts have been assessed in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*. The view sharing planning principle requires a four step assessment to determine if view sharing is reasonable as follows:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

47 Blake Street



Figure 13. View from the northern end of the ground floor living room. Seated position (zoomed in).

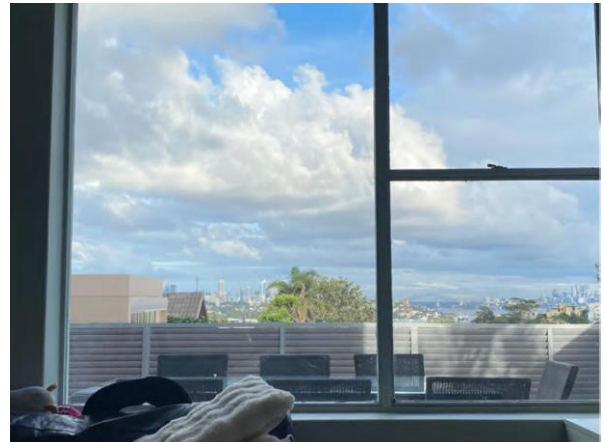


Figure 14. Figure 13 with view analysis overlay as provided by the applicant.



Figure 15. View from the northern end of the ground floor living room. Standing position.



Figure 16. View from the middle of the ground floor living room. Standing position (zoomed in).



Figure 17. Figure 16 with view analysis overlay as provided by the applicant.



Figure 18. View from the ground floor dining room. Standing position (zoomed in).



Figure 19. View from the ground floor TV room. Standing position (zoomed in).



Figure 20. View from the northern end of the ground floor terrace. Seated position (zoomed in).



Figure 21. View from the northern end of the ground floor terrace. Standing position.



Figure 22. Figure 21 with view analysis overlay as provided by the applicant.



Figure 23. View from the southern end of the ground floor terrace. Standing position (zoomed in).

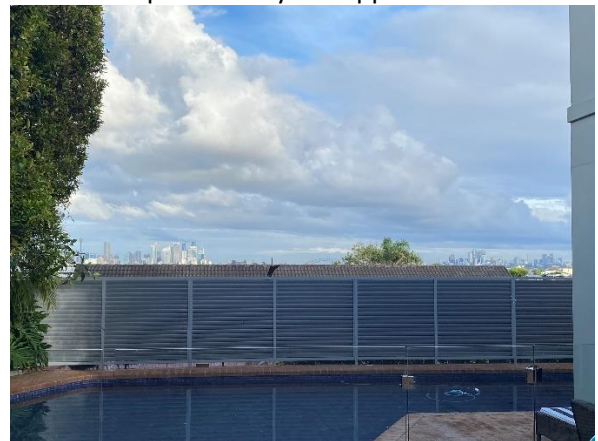


Figure 24. View from the ground floor rear terrace. Standing position (zoomed in).



Figure 25. View from the first floor front bedroom. Standing position.



Figure 26. View from the first floor rear balcony. Standing position.

The views which would be affected include views of Sydney Harbour Bridge, Sydney Tower, the Sydney city skyline, Sydney Harbour, North Sydney, Neutral Bay, land and water interface and district views. The views of the Sydney Harbour Bridge and Sydney Tower are considered to be iconic and therefore are given the highest value.

The views are enjoyed from the living room, dining room, and TV room and its adjoining terrace on the ground floor, as well as the western bedrooms and an adjoining balcony on the first-floor. The views are obtained over a side boundary, over and around the subject site and its neighbouring properties. Views of the Sydney Harbour Bridge and Sydney Tower are obtained from the lounge room, dining room and TV room on the ground floor, all external ground floor terrace areas and all first floor west facing windows and the first floor west facing balcony.

At the ground floor, the proposal will result in a partial to full loss of views of the Sydney city skyline, Sydney Harbour Bridge, Sydney Harbour land and North Sydney from between approximately the middle of the ground floor living room and its adjoining terrace, and rear terrace, thereby including the dining room, TV room, swimming pool area. The impacts will vary depending on viewing angles and location, with the impacts increasing as one moves further south.

Views towards the Sydney Tower, the Sydney city skyline, Sydney Harbour Bridge, Sydney Harbour, North Sydney and Neutral Bay will be retained from the northern end of the living room and its adjoining terrace in a standing and seated position as detailed in **Figure 14**, **Figure 17** and **Figure 22** above. Views from the first floor will not be impacted by the proposal.

The objection received from 47 Blake Street highlighted that 45 and 45A Blake Street are subject to a covenant (Covenant B291176) which restricts the height of any future developments on those sites to the height of the western boundary fence to 47 Blake Street in order to protect views from 47 Blake Street over 45 and 45A Blake Street.

In accordance with Clause 1.9A of Waverley LEP 2012, the covenant does not restrict Council from approving the development. Consideration has however been given to the intention of the covenant.

Whilst the proposal will result in a loss of views from the neighbouring property at 47 Blake Street, the impacts are not considered to be unreasonable as the proposal complies with the key built form controls with regard to height, FSR, and setbacks, the views are obtained across a side boundary and any first floor addition would result in impacts on views. The impacts on views have been minimised and adequate view sharing will be maintained.

4 Victory Street



Figure 27. View from the ground floor private open space. Standing position.



Figure 28. View from the ground floor private open space. Standing position (zoomed in).



Figure 29. View analysis overlay provided by applicant.



Figure 30. View from the living room on the ground floor. Standing position (zoomed in).



Figure 31. View from the kitchen on the ground floor. Standing position.



Figure 32. View from the kitchen on the ground floor. Standing position (zoomed in).

The views which would be affected include views of Sydney Harbour Bridge (iconic), Sydney Harbour, the Sydney city skyline, land and water interface, North Sydney, Neutral Bay and district views. The views of the Sydney Harbour Bridge are considered to be iconic and therefore are given the highest value.

The views are enjoyed from the living room, kitchen and private open space on the ground floor. Access to the first and second floor of the dwelling was not provided. The written submission states that concerns are raised with regard to the loss of views from the first floor, however at the inspection it was advised that they did not have concerns with regard to impacts on views from the upper levels. The assessment has found that due to the elevation of the first and second floor of the dwelling at 4 Victory Street in relation to the proposed development, the proposal would not result in any impacts on views from the first and second floor.

The views are obtained over the rear boundary, over and around the subject site and its neighbouring properties.

The proposal will result in a loss of views of Sydney Harbour and land and water interface within the Rose Bay to Point Piper area as detailed in **Figure 29** above. Views of Sydney Harbour Bridge and the Sydney city skyline will be unaffected. It is however noted that the construction of the dwelling at 45A Blake Street will result in further impacts on views of the Sydney Harbour Bridge.

The proposal is considered to be reasonable as it complies with the building height and FSR development standards as well as the minimum side setback requirements and will demonstrate a compatible first floor rear alignment as conditioned. The proposal will not result in any adverse impacts on views and will maintain adequate view sharing. The proposal is acceptable.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 17 February and 3 March 2025 in accordance with the *Community Engagement Strategy 2023*.

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 first floor front setback was increased, reducing impacts on views.

- The ground floor and first floor rear setbacks were increased, minimising bulk and scale and overshadowing impacts.
- The first floor rear setback was increased, minimising impacts on the neighbouring properties.

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

- 47 Blake Street, Rose Bay
- 4 Victory Street, Rose Bay

Note: The submissions received from or on behalf of 47 Blake Street were lodged in objection to both the subject proposal and that for 45A Blake Street under DA-657/2024, with the impacts associated with each development not specifically defined. The response to the concerns raised has been addressed accordingly.

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

- Impact on views from 47 Blake Street
- Impact on views from 4 Victory Street
- Non-compliance with first floor predominant front building line

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

Issue: Privacy

Response: Concern was raised that the proposal would result in privacy impacts on 4 Victory Street. To minimise privacy impacts, lowering the building so that it is not higher than the top of the rear fence at 4 Victory Street. As can be seen in the view impact analysis which details an overlay of the proposed development, the proposal will not result in any privacy impacts on 4 Victory Street as the development is sited below the property at 4 Victory Street.

Issue: View loss analysis

Response: Concern was raised that a view loss analysis had not been provided, and it was requested that height poles be erected and 3D modelling be provided to ascertain the extent of impacts the proposal would have on views from 47 Blake Street. During the assessment, a view analysis with 3D modelling was provided. As the proposal complies with the building height development standard and the key built form controls, and the information Council was able to obtain from the site inspection of 47 Blake Street is sufficient to enable a detailed assessment, height poles were not considered to be necessary to complete the assessment.

Issue: Inadequate Statement of Environmental Effects (SEE)

Response: Concern was raised that the SEE submitted did not accurately assess or acknowledge the adverse impacts on 47 Blake Street likely to result from the proposal. The information submitted in the SEE does not preclude Council from identifying impacts on neighbouring properties or from undertaking a detailed assessment of potential impacts. A site inspection of both properties was undertaken as part of the assessment which has provided sufficient information to enable a detailed assessment.

Issue: Public interest

Response: Concern was raised that the proposal would be against the public interest as it would exhibit non-compliances with Waverley LEP 2012 and Waverley DCP 2022 and result in adverse impacts on the neighbouring property at 47 Blake Street. The proposal complies with the stipulated built form, open space and landscape controls and will not result in any adverse or unreasonable impacts on the streetscape or neighbouring properties. The proposal will not be contrary to the public interest.

Issue: Amended plans

Response: Upon review of the amended plans, a further submission was received from 47 Blake Street requesting that the first floor front setback be further set back by a couple of meters and for the height of the development to be reduced at the front of the site, as the proposal as amended would continue to result in adverse impacts on the amenity of 47 Blake Street with regard to views, privacy, sunlight access, visual amenity, a sense of enclosure. As noted above, the neighbouring objector has lodged a single objection to respond to the development proposed at both 45 and 45A Blake Street and as such, such concerns raised are considered to be predominantly related to the development at 45A Blake Street being the site directly adjacent. Notwithstanding, the concerns have been taken into consideration in the assessment of this development application.

The development proposed at 45 Blake Street will be sited below and one property away from 47 Blake Street and as amended demonstrates a first floor front setback which is compatible with the predominant front building line presented within the streetscape. The proposal demonstrates compliance with the stipulated building height, FSR, side and rear setback requirements, and the assessment has found that the proposal will not result in any adverse or unreasonable impacts on the amenity of 47 Blake Street. Requiring the development to adhere to more stringent specifications than the stipulated controls would be unreasonable in this instance.

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 Management Department raised no objection to the proposal subject to standard conditions of consent including with regard to the construction of the driveway and closing of the existing driveway.

3.2. Stormwater

Council's Stormwater Management Department raised no objection to the proposal to standard conditions of consent relating to flooding and stormwater management.

3.3. Tree Management

Council's Tree Management Department raised no objection to the proposal subject to conditions requiring a tree protection bond and for tree protection measures to be implemented for street trees, as well as trees within the subject site and neighbouring properties.

3.4. Land Information and GIS

Council's Land Information and GIS Department raised no objection to a condition confirming the identification of the lot and address post subdivision/boundary adjustment.

3.5. Ausgrid

The application was referred to Ausgrid who raised no objection to the proposed development subject to the development complying with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction work near existing electrical assets, including with regard to minimum clearances. A condition of consent has been included accordingly.

4. CONCLUSION

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


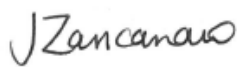
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 20 May 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: A Rossi, B McNamara, J Zancanaro, and K Lucas

Report prepared by:	Application reviewed and agreed by:
	
Karis Keenan	Jo Zancanaro
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 2 June 2025	Date: 6 June 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data									
Clause 4.6 register entry required	21.68% variation to lot size (Clause 4.1) <table border="1"> <tr> <td>X</td><td>Pre-existing non-compliance</td></tr> <tr> <td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr> <td>X</td><td>Sufficient environmental planning grounds</td></tr> <tr> <td>X</td><td>Consistent with the objectives of the standard</td></tr> </table>	X	Pre-existing non-compliance	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
X	Pre-existing non-compliance								
X	No unreasonable impacts on the amenity of adjoining properties or streetscape								
X	Sufficient environmental planning grounds								
X	Consistent with the objectives of the standard								
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Council								
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes								
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *This is a planning portal reporting requirement	No								
Secondary Dwelling *This is a planning portal reporting requirement	No								
Boarding House *This is a planning portal reporting requirement	No								
Group Home *This is a planning portal reporting requirement	No								
Is the development subject to the Special Infrastructure Contribution (SIC)?	No								

Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																																
1.	APPROVED PLANS AND DOCUMENTATION																																																																
	The development must be in accordance with:																																																																
	(a) Architectural Plans prepared by Klaus Carson of Project No: 2408A including the following:																																																																
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(b) Landscape Plan No. DA_4.01 revision C prepared by Klaus Carson dated 30 April 2025 and received by Council on 6 May 2025.																																																																	
(c) BASIX and NatHERs Certificate/s																																																																	
(d) Draft Subdivision Plan prepared by Waterview Surveying Services received by Council on 20 May 2025.																																																																	
(e) Flood Risk Management Report prepared by Stormwater Engineers Pty Ltd dated 5 May 2025 and received by Council on 7 May 2025.																																																																	

	<p>(f) Arborist Report prepared by L Wills FLS Aboricultural Consultant dated 28 January 2025 and received by Council on 12 February 2025.</p> <p>(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 2 January 2025.</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
<p>2.</p>	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) Amended plans are to be provided which detail the first floor rear setback increased by a minimum of 1.3m so that it is consistent with the first floor rear setback at 39 Blake Street, Rose Bay. The area to the south of the first floor southern façade is to comprise a planter box and a non-trafficable roof only.</p> <p>Condition reason: To ensure the proposal maintains a compatible first floor rear building line.</p> <p>(b) Amended plans are to be provided which detail the ground level within the western side setback area, between the dwelling entry and the ground floor southern façade, to be reduced by a minimum of 400mm. The height of the adjacent boundary fence is to be reduced by a minimum of 400mm, however may be up to 1.8m in height when measured from within 45 Blake Street, Rose Bay.</p> <p>Condition reason: To minimise the impacts of fill and the resulting bulk and scale impacts on the neighbouring property.</p> <p>(c) Amended plans are to be provided which detail a planter box along the entire northern edge of the first floor terrace with a minimum internal width of 1m.</p> <p>To ensure landscaping does not result in any impacts on views across the site, the planter boxes around the terrace are to comprise low level landscaping to a maximum growth height at maturity of 1m when measured above the height of the planter box, with planting details provided on an amended landscape plan.</p> <p>Condition reason: To achieve greater compliance with the elevated terrace controls and reduce impacts on the streetscape and neighbouring properties.</p> <p>(d) Amended architectural plans and landscape plans are to be provided which detail the pedestrian entry path between the northern boundary and the northern façade to the garage on the ground floor to comprise stepping stones through landscaping. The hard stepping stones are to comprise no greater than 50% of the area.</p> <p>Condition reason: To increase the provision of soft landscaping forward of the building line in accordance with the Waverley DCP 2022 controls.</p>

	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.	DOMESTIC HEATERS
	The provision of solid fuel heating is prohibited.
	Condition reason: To protect air quality.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
4.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
5.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
6.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 40px;">a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p>

	<p>Where the total development cost is \$1,000,000 or more:</p> <p>a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>A development valued at \$100,000 or less will be exempt from the levy;</p> <p>A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
7.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$39,754.60 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.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>

8.	LONG SERVICE LEVY
	<p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
9.	ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES
	<p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
10.	HOARDING
	<p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
11.	EROSION & SEDIMENT CONTROL
	<p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
12.	ENGINEERING DETAILS
	<p>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.</p>

	Condition reason: To ensure structural stability of work on site.
13.	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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.</p> <p>The submitted stormwater management plan prepared by Stormwater Engineers Pty Ltd, Sheet 1-9, Drawing No. 040824, Issue D, dated May 2025 are considered <u>concept only</u>.</p> <p>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <ul style="list-style-type: none"> (a) Permissible site discharge (PSD) is incorrectly calculated. The PSD must be limited to the maximum discharge from the site during the 20% AEP for a 5 minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign OSD and associated orifice accordingly. (b) The current orifice level of the OSD system is observed to be drowned/submerged, redesign to ensure the system is free draining above the Hydraulic Grade Line at the discharge point. (c) Details of any rainwater tank must be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system. (d) The rainwater tank must have a minimum capacity of 2000 litres and be connected to at least 71m² of roof area. (e) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. (f) Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes. (g) Any new downpipes must be located wholly within the property's boundary. (h) All connections to Council's below ground drainage system must occur at a stormwater pit. If no such pit exists adjacent to the site, then a new grated kerb inlet/access pit must be installed over the existing Council pipeline at the applicant's expense. (i) The invert level of the stormwater discharge line connecting to Council's kerb inlet pit is at or above the top third of Council stormwater pipeline. (j) A non-return valve must be installed at the discharge point within the silt arrestor pit near the property boundary so that stormwater cannot surcharge back into the properties private stormwater system. (k) A long section of the connection to Council's infrastructure must be provided and its details included (e.g. the location of existing services being crossing

	<p>with the clearances, existing surface levels, inverts and obverts of existing and proposed).</p> <ul style="list-style-type: none"> (l) Council must be notified prior to any connection being made to Council's network and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection. (m) When pipes are connected into existing or proposed pits, the pipes shall be cut flush with the internal wall of the pit and the pipe should enter the pit perpendicular to the pit wall. All damages to the internal wall of the pit around the pipe connection must be fully repaired to Council's satisfaction. (n) A grated trench drain must be provided across the (garage entrance/driveway/street boundary) within the private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate are to be not less than 200mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain must be connected to the approved drainage system. (o) Any Council infrastructure affected as a 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 if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. <p style="text-align: center;">Notes:</p> <ul style="list-style-type: none"> i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions. ii. 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. iii. 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. iv. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission. v. Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application. <p>Condition reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.</p>
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14.	FLOODING REQUIREMENTS
	<p>The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.</p> <p>In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate:</p> <ul style="list-style-type: none"> a) The amended flood risk management report to include the crest of the driveway providing access between the road and the garage car-parking shall be protected from 1% AEP flood plus freeboard or the PMF, whichever is higher. b) The evacuation requirements of the development during flooding shall be considered in the updated Flood Risk Management Report. c) Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
	<p>Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.</p>
15.	PRE-CONSTRUCTION STORMWATER PIPE & PIT CCTV REPORT
	<p>Prior to any works commencing, an internal CCTV inspection of Council's adjacent stormwater drainage lines is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator in line with Council's CCTV Inspection Scope document assessing the condition of the existing drainage lines adjacent to the site from pit ID. 06903 to pit ID. 06803. Council must be contacted for pit numbers prior to completion at assets@waverley.nsw.gov.au.</p> <p>The report must be dated and submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.</p>
	<p>Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.</p>
16.	BASIX
	<p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
17.	SITE WASTE AND RECYCLING MANAGEMENT PLAN
	<p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction</p>

	<p>Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
18.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Note: All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate otherwise.</p> <p>Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
19.	<p>DILAPIDATION REPORT</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> (a) 43 Blake Street, Rose Bay (b) 45A Blake Street, Rose Bay <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a</p>

	<p>copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
20.	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>
21.	<p>STREET TREE BOND PAYMENT</p> <p>A bond of \$2000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of</p> <ul style="list-style-type: none"> (a) One (1) <i>Magnolia grandiflora</i> 'Little Gem' on the grass verge <ul style="list-style-type: none"> i. The sum will be forfeited to the Council at its discretion for a breach of these requirements ii. Street tree to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council iii. The \$2000 bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council. iv. If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited

	<ul style="list-style-type: none"> v. The applicant must remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree. vi. A proof of purchase of the replacement street (if required) must be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
	Condition reason: To ensure trees are maintained and protected.
22.	TREE PROTECTION ZONE SIGNAGE
	Prior to the issue of a Construction Certificate, signs identifying the Tree Protection Zone (TPZ) are to be placed around the edge of the TPZ and be visible from within the development site. Contact telephone numbers for the site arborist/site manager shall be clearly shown on all warning signs.
	Condition reason: To advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s).
23.	TREE PROTECTION CERTIFICATE
	The onsite arborist is to provide a certificate to Council stating that appropriate tree protection measures have been installed for the trees to be retained and protected.
	Condition reason: To ensure trees are protected prior to work commencing.

BEFORE BUILDING WORK COMMENCES

	Condition
24.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
25.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <p>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</p> <p>(b) Confirm that no asbestos products are present on the subject land, or</p> <p>(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);</p> <p>(d) Describe the method of demolition;</p> <p>(e) Describe the precautions to be employed to minimise any dust nuisance; and</p> <p>(f) Describe the disposal methods for hazardous materials.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>

26.	<table><tr><th colspan="5">TREES TO BE RETAINED AND PROTECTED</th></tr><tr><td colspan="5">This schedule outlines which trees are approved for removal and replacement, or to be retained and protected.</td></tr><tr><td>Tree No.</td><td>Species</td><td>Location</td><td>Status</td><td>Action</td></tr><tr><td>T1</td><td><i>Phoenix Canariensis</i> (Phoenix Palm)</td><td>Rear yard</td><td>Protected</td><td>Remove and replace</td></tr><tr><td>T2</td><td><i>Eucalyptus botryoides</i> (Southern Mahogany)</td><td>Rear boundary</td><td>Protected</td><td>Retain and protect</td></tr><tr><td>T3</td><td><i>Araucaria columnaris</i> (Cook Pine)</td><td>Rear yard – 43 Blake Street</td><td>Protected</td><td>Retain and protect</td></tr><tr><td>T4</td><td><i>Cupressus sp.</i> (Cypress)</td><td>Rear yard – 43 Blake Street</td><td>Protected</td><td>Retain and protect</td></tr><tr><td>T5</td><td><i>Eucalyptus moluccana</i> (Spotted Gum)</td><td>Rear yard – 43 Blake Street</td><td>Protected</td><td>Retain and protect</td></tr><tr><td>T6</td><td><i>Howea forsteriana</i> (Kentia Palm)</td><td>Rear yard – 45a Blake Street</td><td>Protected</td><td>Retain and protect</td></tr><tr><td>T7</td><td><i>Magnolia grandiflora</i> ‘Little Gem’</td><td>Street tree</td><td>Protected</td><td>Retain and protect</td></tr><tr><td colspan="5">Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.</td></tr></table>	TREES TO BE RETAINED AND PROTECTED					This schedule outlines which trees are approved for removal and replacement, or to be retained and protected.					Tree No.	Species	Location	Status	Action	T1	<i>Phoenix Canariensis</i> (Phoenix Palm)	Rear yard	Protected	Remove and replace	T2	<i>Eucalyptus botryoides</i> (Southern Mahogany)	Rear boundary	Protected	Retain and protect	T3	<i>Araucaria columnaris</i> (Cook Pine)	Rear yard – 43 Blake Street	Protected	Retain and protect	T4	<i>Cupressus sp.</i> (Cypress)	Rear yard – 43 Blake Street	Protected	Retain and protect	T5	<i>Eucalyptus moluccana</i> (Spotted Gum)	Rear yard – 43 Blake Street	Protected	Retain and protect	T6	<i>Howea forsteriana</i> (Kentia Palm)	Rear yard – 45a Blake Street	Protected	Retain and protect	T7	<i>Magnolia grandiflora</i> ‘Little Gem’	Street tree	Protected	Retain and protect	Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.				
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DURING BUILDING WORK

	Condition
29.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
30.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
31.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
32.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
33.	STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
34.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , Part 8 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
36.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.
37.	STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF
	Adequate measures are to be undertaken to ensure structural stability and water proofing the adjoining semi-detached dwelling having particular regard to the following:
	(a) Adequate measures are undertaken to secure the party wall; and
	(b) Adequate measures are undertaken to ensure that the party wall is water proofed.
	Condition reason: To ensure the structural stability of the adjoining semi-detached dwelling's roof.

38.	<p>CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS</p> <p>The following applies to the construction of swimming pools and outdoor spas:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To ensure pools are constructed in a correct manner.</p>
39.	<p>AUSGRID</p> <p>The development must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets – Clearances”. This document can be found by visiting the following Ausgrid website:</p> <p>www.ausgrid.com.au/Your-safety/Working-safely-around-the-network/Clearance-enquiries</p> <p>Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au</p> <p>Condition reason: To ensure compliance with Ausgrid’s requirements.</p>
40.	<p>VEHICULAR ACCESS – FINISHED LEVEL</p> <p>The internal finished level shall be constructed to match the longitudinal fall of Council’s footpath.</p> <p>In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to be 50mm above the level of the back edge of the existing concrete footpath.</p>

	<p>Should the internal slab be poured incorrectly, Council may ask that internal alterations be made and the slab adjusted at the applicant's cost.</p> <p>Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.</p>
41.	<p>EXISTING VEHICLE CROSSING IS TO BE CLOSED</p> <p>A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.</p> <p>The crossing is to be a maximum of 5.0 metres wide at the property boundary. The width at the street is to be 3.9 metres inclusive of 0.45 metre splays either side.</p> <p>Condition reason: To ensure the development complies with Section 138 of the Roads Act 1993.</p>
42.	<p>DRIVEWAY DESIGN</p> <p>Prior to the construction of the new vehicle crossing, detailed engineering drawings of the new vehicle crossing and length of the laybacks between 45 Blake Street, ROSE BAY NSW 2029 and neighbouring properties on both sides shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.</p> <p>The drawings shall:</p> <ol style="list-style-type: none"> 1. Show details of the vehicle crossing proposed outside 45 Blake Street, ROSE BAY NSW 2029. 2. Accurately show the length of the Council's kerb and gutter remaining between the eastern side wing of the existing driveway at 43 Blake Street, ROSE BAY NSW 2029 and the western side wing of the proposed driveway at 45 Blake Street, ROSE BAY NSW 2029. 3. Accurately show the length of the Council's kerb and gutter remaining between the western side wing of the existing driveway at 45A Blake Street, ROSE BAY NSW 2029 and the eastern side wing of the proposed driveway at 45 Blake Street, ROSE BAY NSW 2029. <p>Condition reason: To ensure the new driveway is designed in such a way that minimises the loss of on street parking and overall driveway width on Council land.</p>
43.	<p>DRIVEWAY DESIGN – STORMWATER PIT</p> <p>The cover of the existing stormwater pit must be adjusted to the same level as the proposed new vehicle crossing.</p> <p>Condition reason: To ensure that vehicles do not damage Council stormwater assets whilst traversing the driveway.</p>
44.	<p>ACTIVITIES EXCLUDED WITHIN TREE PROTECTION ZONE (TPZ)</p> <p>Activities excluded from the TPZ include but are not limited to:</p> <ol style="list-style-type: none"> (a) Stockpiling of bulk materials, spoil or fill (b) Machine excavation including trenching

	<ul style="list-style-type: none"> (c) Excavation for silt fencing (d) Cultivation (e) Preparation or disposal of chemicals, including preparation of cement products (f) Parking of vehicles and plant machinery (g) Refuelling (h) Dumping of waste (i) Wash down and cleaning of equipment (j) Lighting of fires (k) Soil level changes (l) Temporary or permanent installation of utilities and signs (m) Physical damage to the tree (n) Ground compaction <p>Condition reason: To ensure precautions are taken when working near trees during construction.</p>
45.	<p>CROWN PROTECTION</p> <ul style="list-style-type: none"> (a) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree. (b) Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ. <p>Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, for trees both on the site and those on adjoining sites.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
46.	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 <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
47.	SUBDIVISION CERTIFICATE
	A Subdivision Certificate must be obtained from Council in accordance with the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.
	Condition reason: To ensure a Subdivision Certificate is issued prior to occupation or use of the development.
48.	CERTIFICATION OF BASIX COMMITMENTS
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
49.	CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM
	Prior to the issue of any Occupation certificate, certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.
	A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.
	Condition reason: Ensure stormwater drainage system has been constructed as per the approved stormwater management plans.
50.	WORKS-AS-EXECUTED DRAWINGS – STORMWATER MANAGEMENT SYSTEM
	Prior to the issue of the final Occupation certificate, 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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.

	<p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater management system that the 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p>
	<p>Condition reason: Ensure council are aware of the stormwater management systems on site and able to provide advice for any future or remedial works.</p>
51.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD) is not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.</p>
52.	<p>POST-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT</p> <p>A post-construction CCTV report must be prepared by an accredited operator in line with Council’s CCTV Inspection Scope document and submitted to Council, assessing the existing drainage line/s adjacent to the site from pit ID. 06903 to pit ID. 06803. The Assets team shall be contacted for pit numbers prior to completion.</p> <p>A post-construction dilapidation report including photographic evidence of internal conditions of the new pit following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.</p> <p>The reports will be used by Council to assess whether any damage has occurred to Council’s stormwater assets associated with the works.</p>

	<p>The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the report and Council assets condition prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.</p>
<p>53.</p>	<p>CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA</p> <p>Prior to the pool being used, the following must be provided;</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.</p>
<p>54.</p>	<p>ALLOCATION OF STREET NUMBER</p> <p>The subdivision of the properties/parcels has led to the following allocation of address site numbering:</p> <p style="padding-left: 40px;">No. 45 Blake Street for the west allotment - proposed Lot X</p> <p>The primary address site number(s) for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point(s) and clearly visible from Blake Street.</p> <p>The primary address site number(s) shall be positioned on the site prior to the issue of the Occupation Certificate.</p> <p>Any variation to the above address numbering requires a new application for a change of street number and/or address to be lodged with Council.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>

55.	TREE PROTECTION MEASURES TO BE REMOVED
	All tree protection shall be removed prior to the issuing of the Occupation Certificate.
	Condition reason: To ensure that the tree can continue to grow post construction.

OCCUPATION AND ONGOING USE

	Condition
56.	ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM
	<p>An ongoing maintenance plan for the stormwater system is to be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.</p> <p>At a minimum, the system must be:</p> <ul style="list-style-type: none"> (a) Kept clean and free from silt, rubbish and debris. (b) Be maintained so that it functions in a safe and efficient manner. (c) Not be altered without prior consent in writing of the Council.
	<p>Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.</p>
57.	ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE
	<p>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.</p> <p>Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.</p>

GENERAL ADVISORY NOTES

	Condition
1.	DEVELOPMENT IS TO COMPLY WITH LEGISLATION <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	DEVELOPMENT MUST MEET CONDITIONS OF CONSENT <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT <p>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:</p> <ul style="list-style-type: none"> • 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
4.	SYDNEY WATER REQUIREMENTS <p>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.</p> <p>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.</p> <p>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</p>

	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.
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
8.	<p>SITE RECTIFICATION WORKS</p> <p>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.</p> <p>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:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> Make the building/site safe and of an appearance acceptable to Council; Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.

	<p>iv. Council may call on any bank guarantee to cover the cost thereof.</p> <p>(b) 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.</p>
9.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
10.	<p>BONDI - ROSE BAY SAND BODY</p> <p>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.</p> <p>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.</p>
11.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>
12.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Separate approval is required for any works outside the property boundary, with fees being paid where applicable.</p>
13.	<p>TREE MANAGEMENT GUIDELINES 2022</p> <p>Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.</p>

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.



Consultant Team

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RECEIVED

Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025

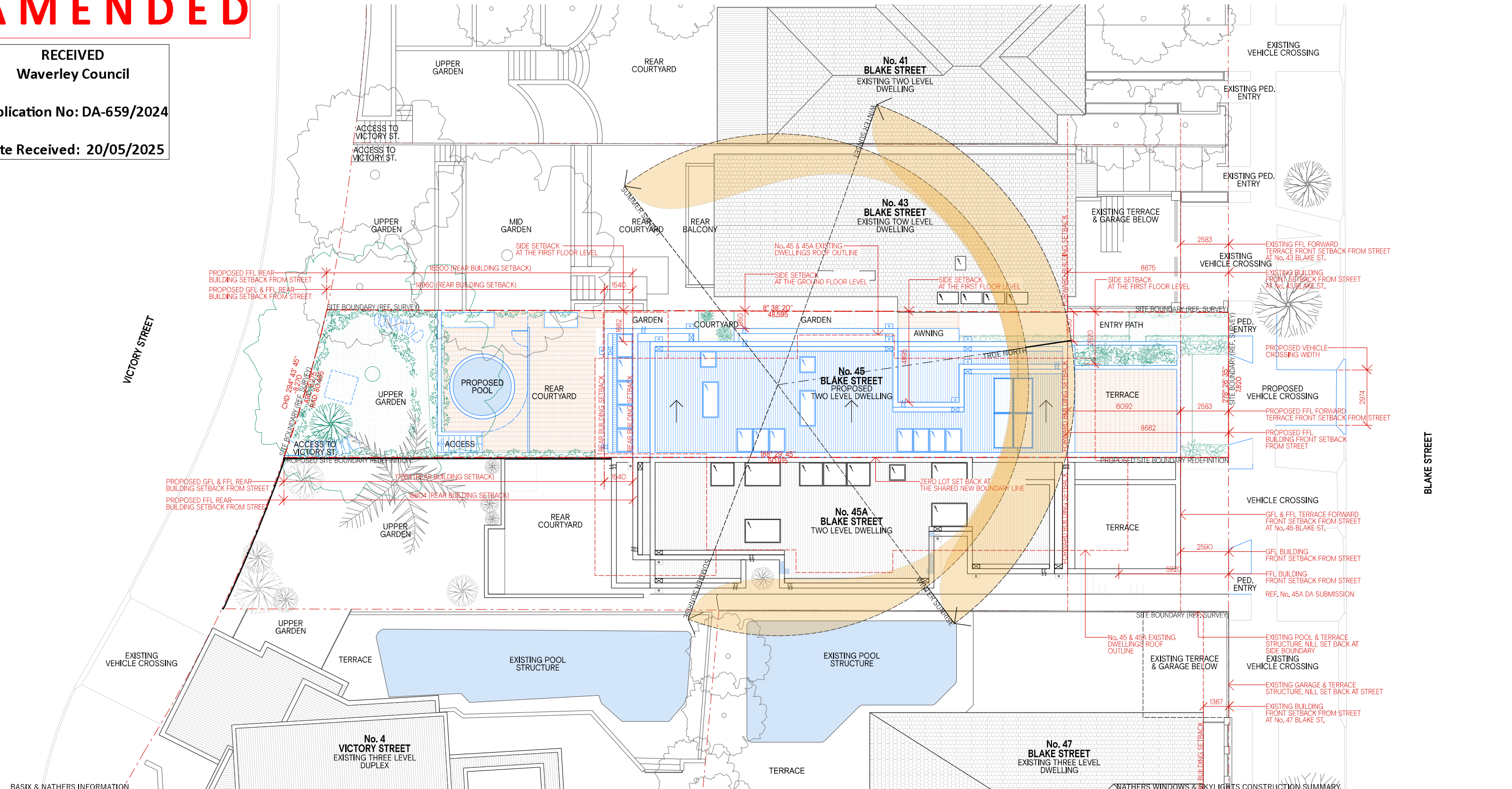
Drawing No.	Drawing Title	Scale	Revision	Date
DA_ 0.01	COVER SHEET & PROJECT INFORMATION	NTS	C	30.04.25
DA_ 0.02	PLAN_AERIAL_EXISTING	1:200	C	30.04.25
Site Plans & Compliance Diagrams				
DA_ 0.11	PLAN_SITE & ANALYSIS PLAN_PROPOSED	1:200	C	30.04.25
DA_ 0.12	PLAN_URBAN SETBACKS DIAGRAM_PROPOSED	1:500	C	30.04.25
DA_ 0.13	PLAN_CONCEPT LOT SUBDIVISION_PROPOSED	1:200	C	30.04.25
DA_ 0.14	PLAN_STORMWATER MANAGEMENT_PROPOSED	1:200	C	30.04.25
Plans, General Arrangement (Existing)				
DA_ 1.01	PLAN_GROUND FLOOR LEVEL_EXISTING & DEMOLITION	1:200	C	30.04.25
DA_ 1.02	PLAN_ROOF LEVEL_EXISTING & DEMOLITION	1:200	C	30.04.25
Plans, General Arrangement (Proposed)				
DA_ 1.11	PLAN_GROUND FLOOR LEVEL_PROPOSED	1:200	C	30.04.25
DA_ 1.12	PLAN_FIRST FLOOR LEVEL_PROPOSED	1:200	C	30.04.25
DA_ 1.13	PLAN_ROOF LEVEL_PROPOSED	1:200	C	30.04.25
Elevations, General Arrangement				
DA_ 2.11	ELEVATION_NORTH ELEVATION_PROPOSED	1:100	C	30.04.25
DA_ 2.12	ELEVATION_WEST ELEVATION_PROPOSED	1:200	C	30.04.25
DA_ 2.13	ELEVATION_SOUTH ELEVATION_PROPOSED	1:100	C	30.04.25
DA_ 2.14	ELEVATION_EAST ELEVATION_PROPOSED	1:200	C	30.04.25
Sections, General Arrangement				
DA_ 3.01	SECTION_SC '01'_LONG SECTION_PROPOSED	1:200	C	30.04.25
DA_ 3.02	SECTION_SC 'BB'_CROSS SECTION_PROPOSED	1:100	C	30.04.25
DA_ 3.04	SECTION_SC 'FF'_CROSS SECTION_PROPOSED	1:100	C	30.04.25
Landscape Plan & Area & FSR Diagrams				
DA_ 4.01	PLAN_LANDSCAPE PLAN_GROUND FLOOR LEVEL	1:200	C	30.04.25
DA_ 4.11	DIAGRAM_GFA DIAGRAM_GROUND & FIRST FLOOR LEVEL	1:200	C	30.04.25
Shadow Diagrams				
DA_ 4.21	SHADOW DIAGRAM_21 JUNE 2024_09AM EXISTING	1:200	C	30.04.25
DA_ 4.22	SHADOW DIAGRAM_21 JUNE 2024_10AM EXISTING	1:200	C	30.04.25
DA_ 4.23	SHADOW DIAGRAM_21 JUNE 2024_11AM EXISTING	1:200	C	30.04.25
DA_ 4.24	SHADOW DIAGRAM_21 JUNE 2024_12PM EXISTING	1:200	C	30.04.25
DA_ 4.25	SHADOW DIAGRAM_21 JUNE 2024_01PM EXISTING	1:200	C	30.04.25
DA_ 4.26	SHADOW DIAGRAM_21 JUNE 2024_02PM EXISTING	1:200	C	30.04.25
DA_ 4.27	SHADOW DIAGRAM_21 JUNE 2024_03PM EXISTING	1:200	C	30.04.25
DA_ 4.28	SHADOW DIAGRAM_21 JUNE 2024_09AM PROPOSED	1:200	C	30.04.25
DA_ 4.29	SHADOW DIAGRAM_21 JUNE 2024_10AM PROPOSED	1:200	C	30.04.25
DA_ 4.30	SHADOW DIAGRAM_21 JUNE 2024_11AM PROPOSED	1:200	C	30.04.25
DA_ 4.31	SHADOW DIAGRAM_21 JUNE 2024_12PM PROPOSED	1:200	C	30.04.25
DA_ 4.32	SHADOW DIAGRAM_21 JUNE 2024_01PM PROPOSED	1:200	C	30.04.25
DA_ 4.33	SHADOW DIAGRAM_21 JUNE 2024_02PM PROPOSED	1:200	C	30.04.25
DA_ 4.34	SHADOW DIAGRAM_21 JUNE 2024_03PM PROPOSED	1:200	C	30.04.25

Schedule: External Materials & Finishes

PAVING: PV:01	Material: Lime Stone Paver Spec: Tumbled	PERMEABLE PAVING: PV:02	Material: Lime Stone Batten+Pebble Spec: Tumbled	FENCE: TB-01	Material: Timber (Pine) Spec: Clear Coat Sealer	WINDOWS & DOORS:	Material: Aluminium Spec: Anodised	EXTERNAL WALLS: BR:01	Material:Faced Brick Spec: Dry Pressed Natural	EXTERNAL WALL SCREEN: BR:02	Material: Faced Brick Spec: Dry Pressed Natural	EXTERNAL SLABS: CT:01	Material: Concrete Spec: Off Form	EXTERNAL WALLS: RD:01	Material: Acrylic Render Spec: Painted	ROOF COVER: MS:01	Material: Metal Sheet Spec: Colorbond Powder Coated	GUTTERS & FLASHINGS: MS:01	Material: Metal Sheet Spec: Colorbond Powder Coated
					Colour: Natural		Colour: Clear Anodised		Colour: Neutral		Colour: Neutral		Colour: Clear Sealer		Colour: Neutral Off White		Colour: Shale Grey Matt		Colour: Shale Grey Matt

General Notes / All documentation & design is the copy right of the Architect. / Documents for Planning Approval only, not for construction. / All proposed works to comply with the NCC (BCA) and relevant Australian Standards.	Rev. _A _B _C	Drw. OI OI	Chk. KC KC	Date 27.11.24 06.02.25 30.04.25	Status / Reason for issue APPROVAL / For Development Application APPROVAL / For Development Application, Council RFI APPROVAL / For Development Application, Council Deferral Letter	Scale / North Point	Key / Legend	Project SHI ZHU RESIDENCE NEW DWELLING Address 45 BLAKE ST. ROSE BAY NSW 2029 Client LEXON SHI & RENE ZHU Job No. 2408A	Drawing Title COVER SHEET & PROJECT INFORMATION Documentation Stage DEVELOPMENT APPLICATION Date 30.04.25 Revision C	DWG# DA_0.01	Architect KLAUS CARSON Architecture & Interiors / studio@klauscarson.com / Klaus Carson Studio Pty Ltd © 2022 Architect NSW ARB No. 10450 RAIA No. 70298
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RECEIVED
Waverley Council
Application No: DA-659/2024
Date Received: 20/05/2025



BASIX & NATHERS INFORMATION				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY			
BASIX CERT. NUMBER: 17733435_03_03				TYPE			
DATE OF ISSUE: 05.05.25				FRAME			
ASSESSOR NUMBER: DMN/18/1851				GLAZING			
NATHERS CERT. NUMBER: HR_WGAUKV_02				GLAZING			
TYPE	CONSTRUCTION	AREA (SQM)	INSULATION	TYPE	CONSTRUCTION	MAX. AREA (SQM)	TYPE
FLOOR	CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB	144	NOT SPEC.	FRAME	ALUMINIUM	111	GROUP A (AWNING, CASEMENT, EXISTING PED. ENTRY)
FLOOR	ABOVE HABITABLE ROOM OR MEZ.	86	NONE	GLAZING	SINGLE GLAZED	3	GROUP B (SLIDING, FIXED)
FLOOR	HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD	24	FIBREGLASS BATTS/ROLL	GLAZING	DOUBLE GLAZED	108	GROUP B (SLIDING TO GARAGE)
FLOOR	SUSPENDED FLOOR ABOVE GARAGE, CONCRETE, SUSPENDED; FRAME:NO FRAME	-	-				SKYLIGHTS (AS PER PLANS)
GARAGE FLOOR	CONCRETE SLAB ON GROUND	44	NONE				PRODUCT ID
EXTERNAL WALL	CAVITY BRICK, FRAME; FRAME:NO FRAME	ALL EXT. WALLS	FIBREGLASS BATTS/ROLL				GLASS & FRAME
EXTERNAL GARAGE WALL	CAVITY BRICK, FRAME; FRAME:NO FRAME	30	NONE				Uw/SHGCw
INTERNAL WALL	PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD	158	NONE				
CEILING & ROOF	FLAT CEILING/FLAT ROOF, FRAMED	142	FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET				
	METAL ROOF, TIMBER, UNTREATED SOFTWOOD	-	-				

General Notes

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	OI	KC	27.11.24	APPROVAL / For Development Application
B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:200 @ A3

Key / Legend

- FSR Proposed
- Proposed
- Demolition
- Democ. Overlay
- Existing

Project
SHI ZHU RESIDENCE
NEW DWELLING

Address
45 BLAKE ST.
ROSE BAY NSW 2029

Client
LEXON SHI & RENE ZHU

Job No.
2408A

Drawing Title
PLAN, SITE & ANALYSIS PLAN,
PROPOSED

Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

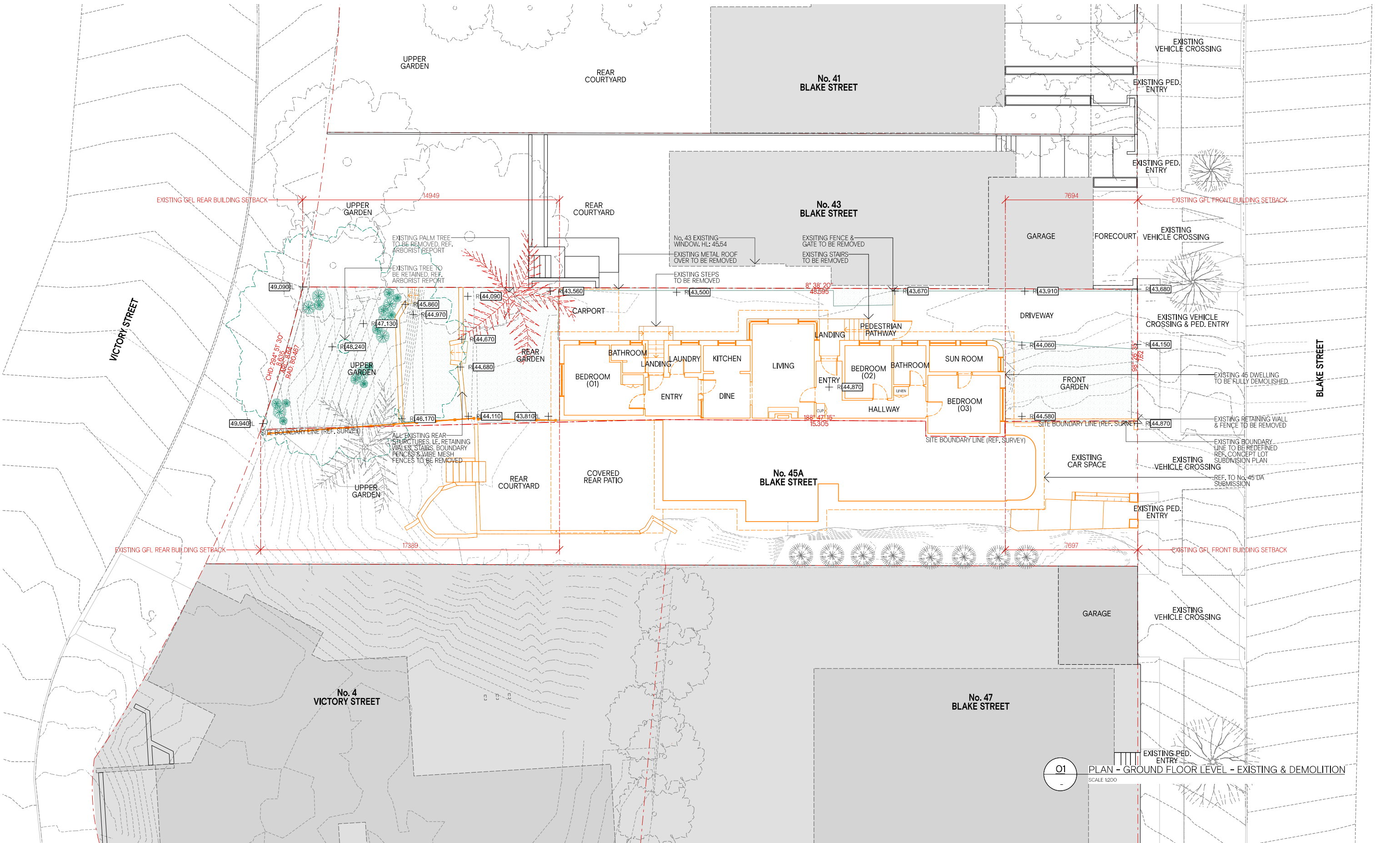
Revision
C

Architect
KLAUS CARSON
Architecture & Interiors

/ studio@klauscarson.com

/ Klaus Carson Studio Pty Ltd © 2022
Architect NSW ARB No. 10450
RAIA No. 70298

DWG#
DA_0.11



01 PLAN - GROUND FLOOR LEVEL - EXISTING & DEMOLITION
SCALE 1:200

General Notes

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	01	KC	27.11.24	APPROVAL / For Development Application
B	01	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	01	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

RECEIVED

Waverley Council

Application No: DA-659/2024

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Scale / North Point

1:200 @ A3

Key / Legend

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- Demolition
- Demc. Overlay
- Existing

Project

SHI ZHU RESIDENCE
NEW DWELLING

Address

45 BLAKE ST.
ROSE BAY NSW 2029

Client

LEXON SHI & RENE ZHU

Job No.

2408A

Drawing Title

PLAN_GROUND FLOOR LEVEL_
EXISTING & DEMOLITION

Documentation Stage

DEVELOPMENT APPLICATION

Date

30.04.25

Revision

C

Architect

KLAUS CARSON

Architecture & Interiors

/

studio@klauscarson.com

/

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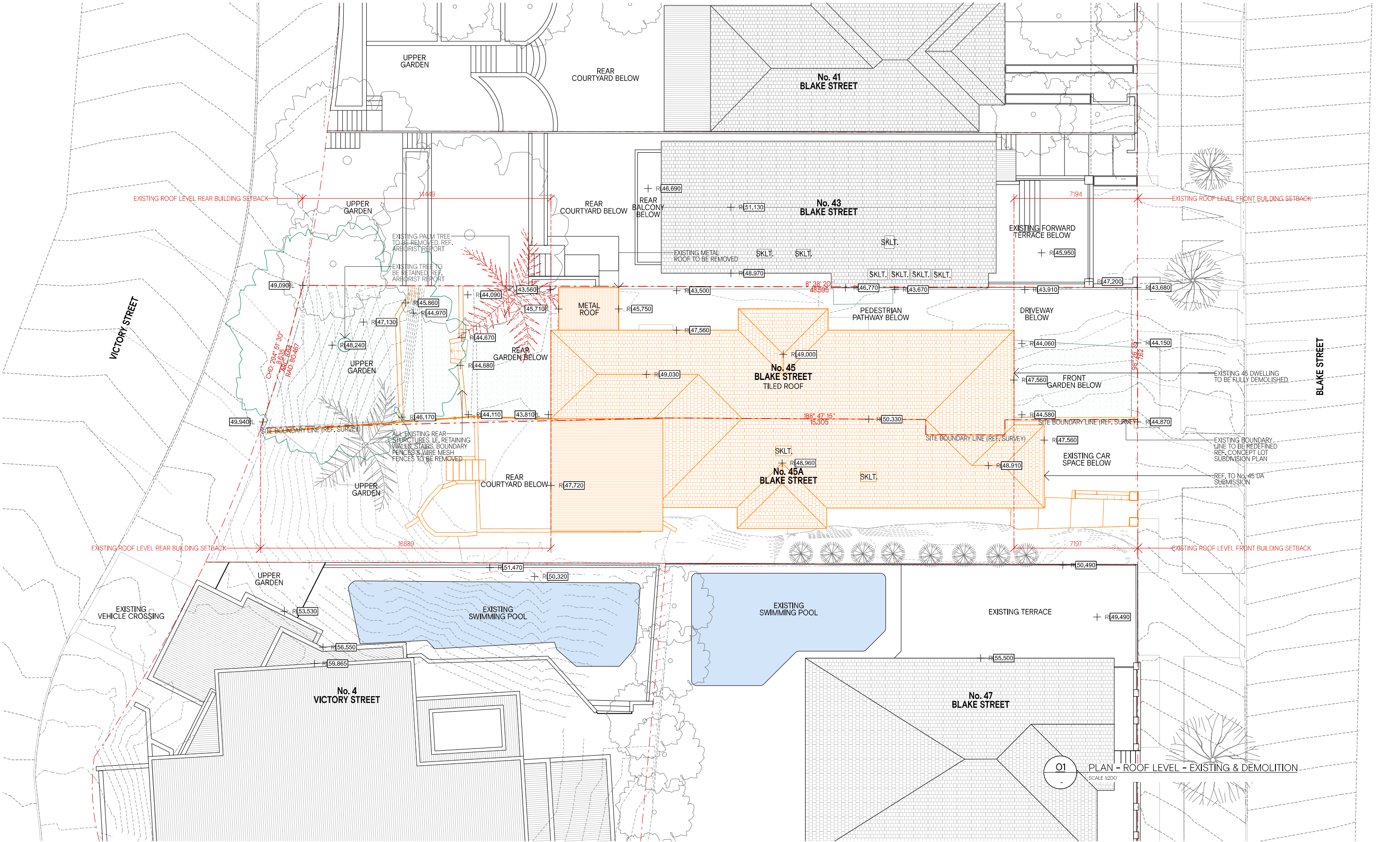
Architect NSW ARB No. 10450

RAIA No. 70298

DWG#

DA_1.01

AMENDED



General Notes

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	OI	KC	27.11.24	APPROVAL / For Development Application
B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

RECEIVED

Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025

Scale / North Point

1:200 @ A3

Key / Legend

- FSR Proposed
- Proposed
- Demolition
- Demo. Overlay
- Existing

Project

SHI ZHU RESIDENCE

NEW DWELLING

Address

45 BLAKE ST.

ROSE BAY NSW 2029

Client

LEXON SHI & RENE ZHU

Job No.

2408A

Drawing Title

PLAN - ROOF LEVEL

EXISTING & DEMOLITION

Documentation Stage

DEVELOPMENT APPLICATION

Date

30.04.25

Revision

C

Architect

KLAUS CARSON

Architecture & Interiors

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studio@klauscarson.com

/

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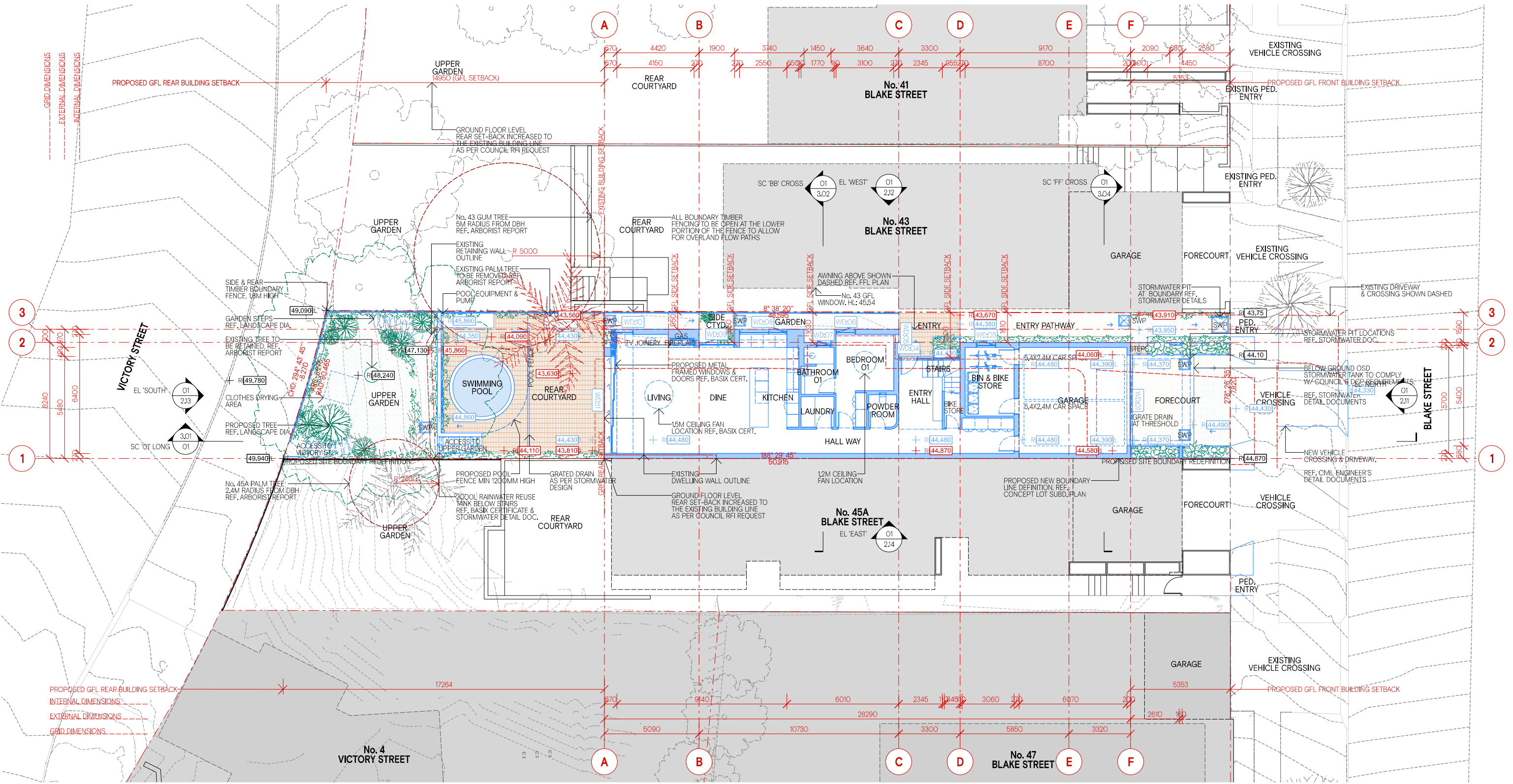
Architect NSW ARB No. 10450

RAIA No. 70298

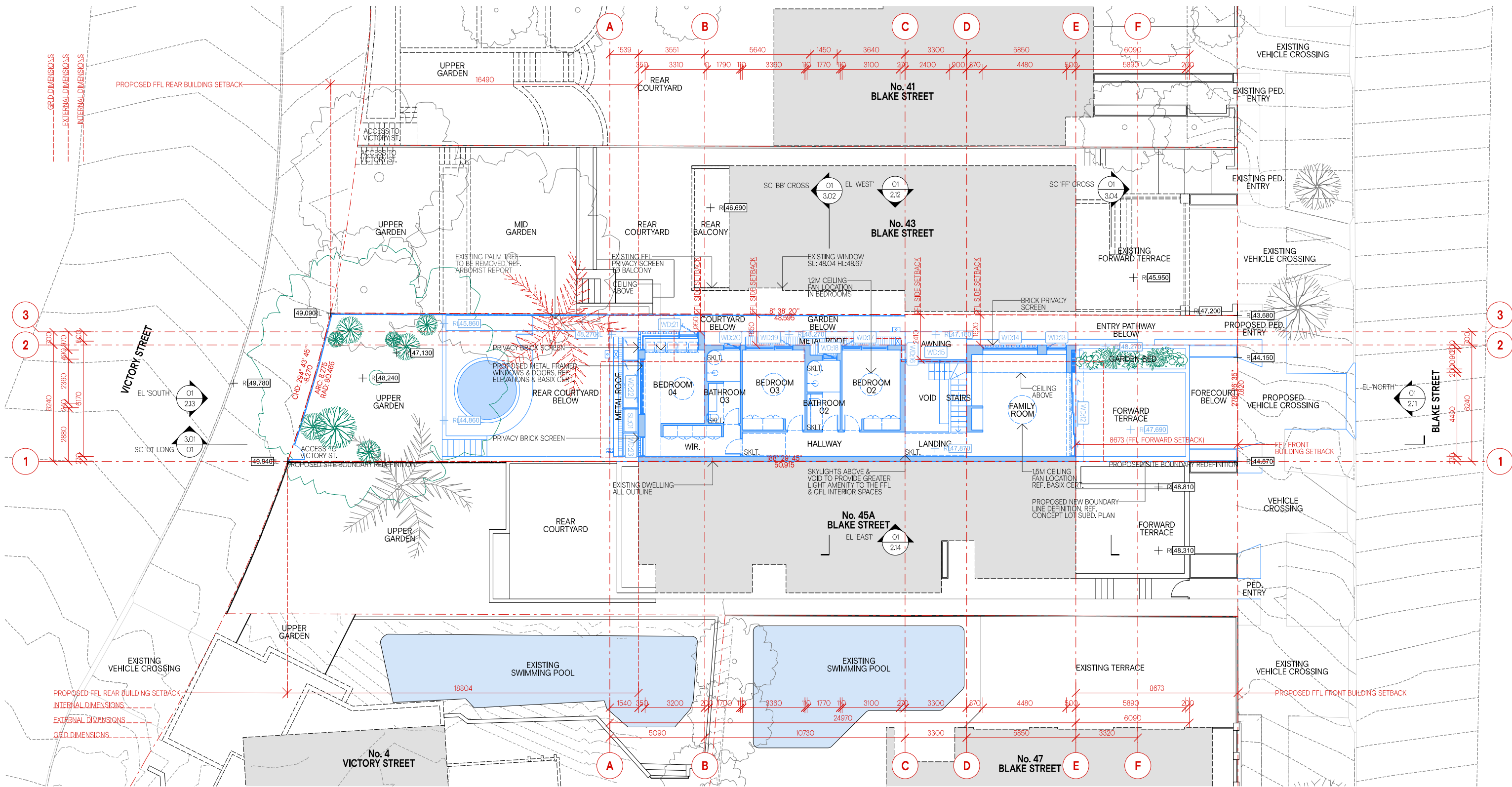
DWG#

DA_1.02

AMENDED



BASIX & NATHERS INFORMATION				THERMAL PERFORMANCE & MATERIAL COMMITMENTS				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY						
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DATE OF ISSUE: 05.05.25				FLOOR	CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB	144	NOT SPEC.	FRAME	ALUMINIUM	111	GROUP A (AWNING, CASEMENT, ENTRY)	ATB_005_03 B	SINGLE CLEAR, ALUMINIUM	2.9/0.44
				FLOOR	ABOVE HABITABLE ROOM OR MEZ,	86	NONE	GLAZING	SINGLE_GLAZED	3				
ASSESSOR NUMBER: DMN/18/1851				FLOOR	HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD	24	FIBREGLASS BATTS/ROLL	GLAZING	DOUBLE_GLAZED	108	GROUP B (SLIDING TO GARAGE)	ALM_002_01 A	DOUBLE CLEAR, ALUMINIUM	6.7/0.70
					SUSPENDED FLOOR ABOVE GARAGE, CONCRETE_			SUSPENDED; FRAME:NO FRAME	SKYLIGHTS (AS PER PLANS)	VEL_011_01 W	DOUBLE FIXED, ROOF LIGHT	2.6/0.24		
NATHERS CERT. NUMBER: HR_WGAUKV_02				-	-	-	-							
				GARAGE FLOOR	CONCRETE SLAB ON GROUND	44	NONE							
				EXTERNAL WALL	CAVITY BRICK. FRAME; FRAME:NO FRAME	ALL EXT. WALLS	FIBREGLASS BATTS/ROLL							
				EXTERNAL GARAGE WALL	CAVITY BRICK. FRAME; FRAME:NO FRAME	30	NONE							
				INTERNAL WALL	PLASTERBOARD. FRAME: TIMBER, UNTREATED SOFTWOOD	158	NONE							
				CEILING & ROOF	FLAT CEILING/FLAT ROOF, FRAMED	142	FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET							
					METAL ROOF, TIMBER, UNTREATED SOFTWOOD									



BASIX & NATHERS INFORMATION		THERMAL PERFORMANCE & MATERIAL COMMITMENTS				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY					
BASIX CERT. NUMBER: 1773343S_03_03	TYPE	CONSTRUCTION	AREA (SQM)	INSULATION	TYPE	CONSTRUCTION	MAX. AREA (SQM)	TYPE	PRODUCT ID	GLASS & FRAME	Uw/SHGCw
DATE OF ISSUE: 05.05.25	FLOOR	CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB	144	NOT SPEC.	FRAME	ALUMINIUM	111	GROUP A (AWNING, CASEMENT, ENTRY)	ATB_005_03 B	SINGLE CLEAR, ALUMINIUM	2.9/0.44
	FLOOR	ABOVE HABITABLE ROOM OR MEZ.	86	NONE	GLAZING	SINGLE_GLAZED	3	GROUP B (SLIDING, FIXED)	ATB_006_03 B	SINGLE CLEAR, ALUMINIUM	2.9/0.51
ASSESSOR NUMBER: DMN/18/1851	FLOOR	HARD WOOD; FRAME: TIMBER_UNTREATED SOFTWOOD	24	FIBREGLASS BATTS/ROLL	GLAZING	DOUBLE_GLAZED	108	GROUP B (SLIDING TO GARAGE)	ALM_002_01 A	DOUBLE CLEAR, ALUMINIUM	6.7/0.70
NATHERS CERT. NUMBER: HR_WGAUKV_02	-	SUSPENDED FLOOR ABOVE GARAGE, CONCRETE_	-	-				SKYLIGHTS (AS PER PLANS)	VEL_011_01 W	DOUBLE FIXED, ROOF LIGHT	2.6/0.24
		SUSPENDED; FRAME:NO FRAME									
	GARAGE FLOOR	CONCRETE SLAB ON GROUND	44	NONE							
	EXTERNAL WALL	CAVITY BRICK. FRAME; FRAME:NO FRAME	ALL EXT. WALLS	FIBREGLASS BATTS/ROLL							
	EXTERNAL GARAGE WALL	CAVITY BRICK. FRAME; FRAME:NO FRAME	30	NONE							
	INTERNAL WALL	PLASTERBOARD. FRAME: TIMBER_UNTREATED SOFTWOOD	158	NONE							
	CEILING & ROOF	FLAT CEILING/FLAT ROOF, FRAMED	142	FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET							
		METAL ROOF, TIMBER_UNTREATED SOFTWOOD	-								

General Notes

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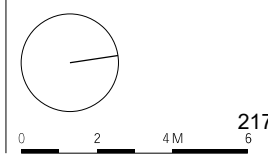
Rev.	Drw.	Chk.	Date	Status / Reason for issue
_A	OI	KC	27.11.24	APPROVAL / For Development Application
_B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI
_C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

RECEIVED
Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025

Scale / North Point
1:200@A3



| Key / Legend

FSR Proposed

Proposed

Demolition

Demo. Overlay

Existing

Project
SHI ZHU RESIDENCE
NEW DWELLING

Address

45 BLAKE ST.

ROSE BAY NSW 2029

Client

LEXON SHI & RENE Z

Job No. _____

Drawing Title
PLAN_FIRST FLOOR LEVEL_
PROPOSED

Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

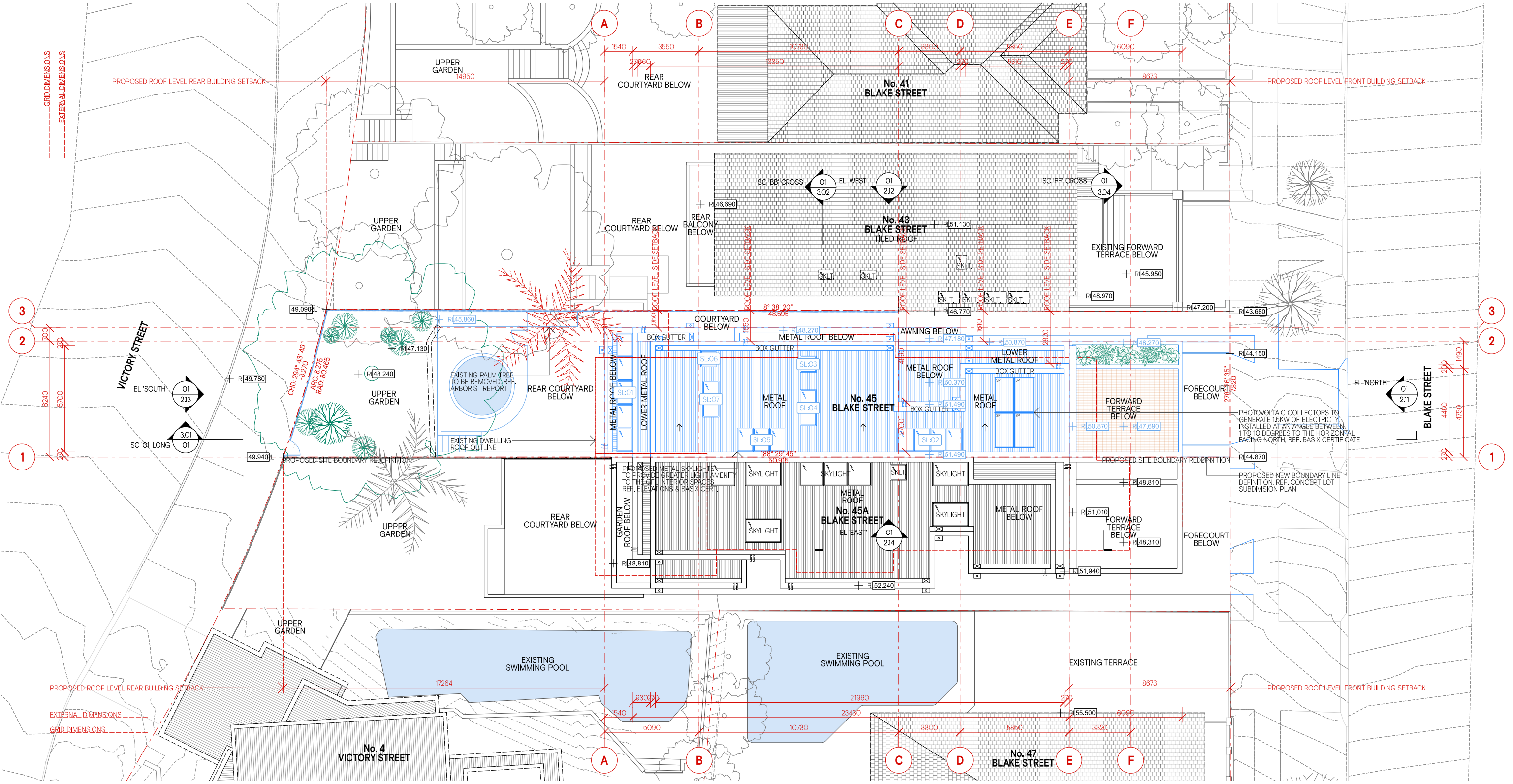
Revision
C

DWG#
DA **1.12**

Architect
KLAUS CARSON
Architecture & Interiors

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studio@klauscarson.com
/
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Architect NSW ARB No. 10450
RAIA No. 70208

AMENDED



BASIX & NATHERS INFORMATION				THERMAL PERFORMANCE & MATERIAL COMMITMENTS				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY			
BASIX CERT. NUMBER: 17733435_03_03				TYPE				TYPE			
DATE OF ISSUE: 05.05.25				FLOOR				GROUP A (AWNING, CASEMENT, ENTRY)			
ASSESSOR NUMBER: DMN/18/1851				FLOOR				GROUP B (SLIDING, FIXED)			
NATHERS CERT. NUMBER: HR_WGAUKV_02				FLOOR				GROUP B (SLIDING TO GARAGE)			
				FLOOR				SKYLIGHTS (AS PER PLANS)			
				CONSTRUCTION				PRODUCT ID			
				CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB				ATB_005_03 B			
				ABOVE HABITABLE ROOM OR MEZ,				ATB_006_03 B			
				HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD				ALM_002_01 A			
				SUSPENDED FLOOR ABOVE GARAGE, CONCRETE, SUSPENDED; FRAME: NO FRAME				VEL_011_01 W			
				CONCRETE SLAB ON GROUND				GLASS & FRAME			
				CAVITY BRICK, FRAME: FRAME: NO FRAME				SINGLE CLEAR, ALUMINIUM			
				CAVITY BRICK, FRAME: FRAME: NO FRAME				SINGLE CLEAR, ALUMINIUM			
				PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD				DOUBLE CLEAR, ALUMINIUM			
				FLAT CEILING/FLAT ROOF, FRAMED				DOUBLE FIXED, ROOF LIGHT			
				METAL ROOF, TIMBER, UNTREATED SOFTWOOD				Uw/SHGCw			
				CONCRETE SLAB ON GROUND				2.9/0.44			
				CAVITY BRICK, FRAME: FRAME: NO FRAME				2.9/0.51			
				CAVITY BRICK, FRAME: FRAME: NO FRAME				6.7/0.70			
				PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD				2.6/0.24			
				FLAT CEILING/FLAT ROOF, FRAMED							
				METAL ROOF, TIMBER, UNTREATED SOFTWOOD							

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Rev.

Drw.

Chk.

Date

Status / Reason for issue

27.11.24

APPROVAL / For Development Application

06.02.25

APPROVAL / For Development Application, Council RFI

30.04.25

APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point

1:200 @ A3

0

2

4 M

218

6

Key / Legend

FSR Proposed

Proposed

Demolition

Demc. Overlay

Existing

Project

SHI ZHU RESIDENCE

NEW DWELLING

Address

45 BLAKE ST.

ROSE BAY NSW 2029

Client

LEXON SHI & RENE ZHU

Job No.

2408A

Drawing Title

PLAN ROOF LEVEL_

PROPOSED

Documentation Stage

DEVELOPMENT APPLICATION

Date

30.04.25

Revision

C

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Architecture & Interiors

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studio@klauscarson.com

/

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Architect NSW ARB No. 10450

RAIA No. 70298

DWG#

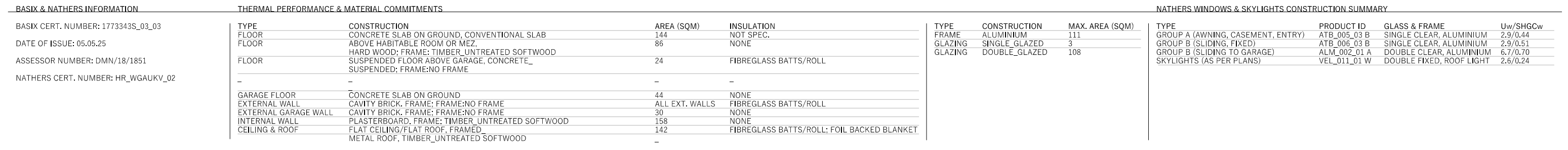
DA_1.13

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Application No: DA-659/2024

Date Received: 20/05/2025

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Application No: DA-659/2024
Date Received: 20/05/2025

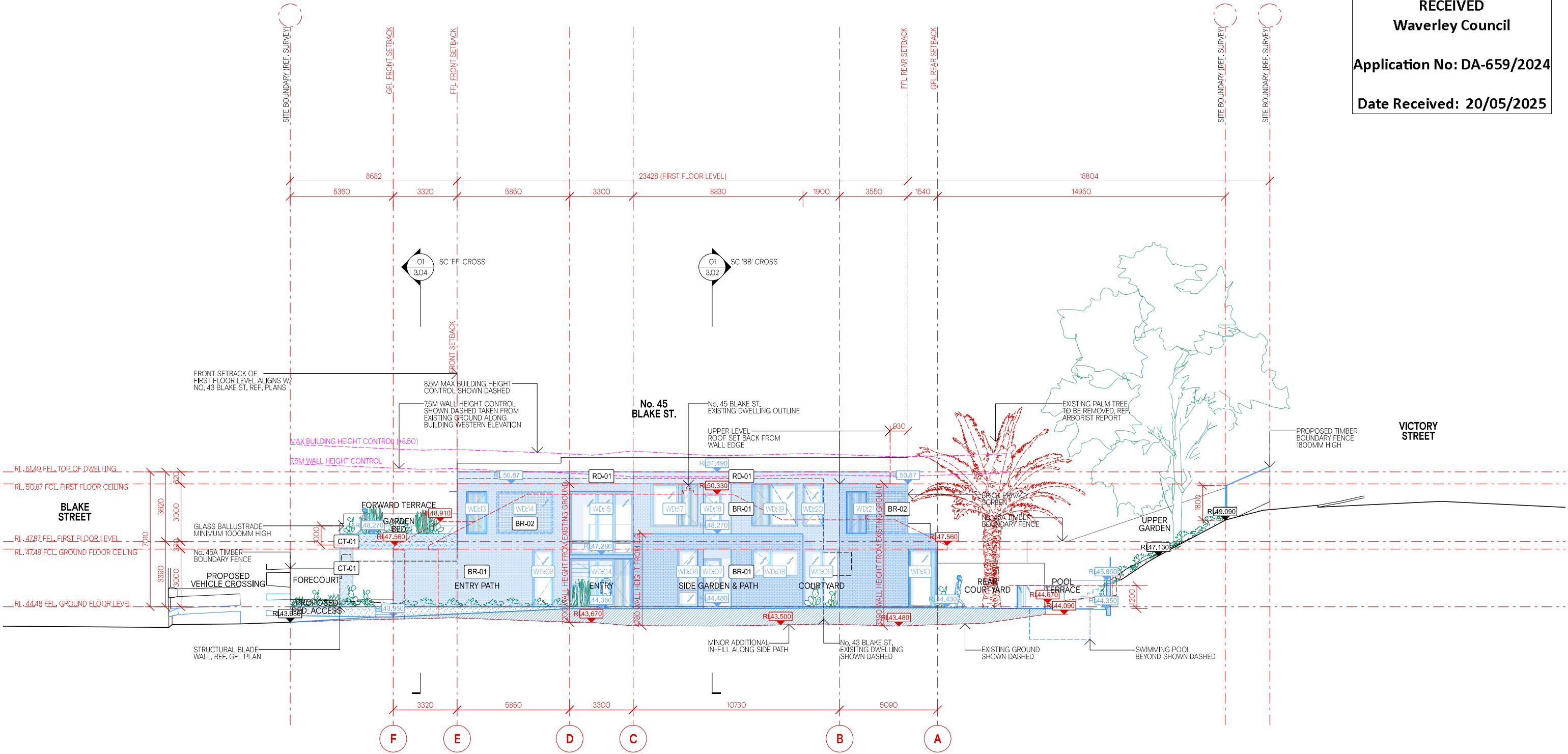


<div>General Notes</div> <div>/</div> <div>All documentation & design is the copy right of the Architect, / Documents for Planning Approval only, not for construction, / All proposed works to comply with the NCC (BCA) and relevant Australian Standards.</div>	<div>Rev.</div> <div>-A</div> <div>-B</div> <div>-C</div>	<div>Drw.</div> <div>OI</div> <div>OI</div> <div>OI</div>	<div>Chk.</div> <div>KC</div> <div>KC</div> <div>KC</div>	<div>Date</div> <div>27.11.24</div> <div>06.02.25</div> <div>30.04.25</div>	<div>Status / Reason for Issue</div> <div>APPROVAL / For Development Application</div> <div>APPROVAL / For Development Application, Council RFI</div> <div>APPROVAL / For Development Application, Council Deferral Letter</div>	<div>Scale / North Point</div> <div>1:100@A3</div> <div></div>	<div>Key / Legend</div> <div>FSR Proposed</div> <div>Proposed</div> <div>Demolition</div> <div>Demo. Overlay</div> <div>Existing</div>	<div>Project</div> <div>SHI ZHU RESIDENCE</div> <div>NEW DWELLING</div> <div>Address</div> <div>45 BLAKE ST.</div> <div>ROSE BAY NSW 2029</div> <div>Client</div> <div>LEXON SHI & RENE ZHU</div> <div>Job No.</div> <div>2408A</div>	<div>Drawing Title</div> <div>ELEVATION_NORTH ELEVATION_PROPOSED</div> <div>Documentation Stage</div> <div>DEVELOPMENT APPLICATION</div> <div>Date</div> <div>30.04.25</div> <div>Revision</div> <div>C</div> <div>DWG#</div> <div>DA_211</div>	<div>Architect</div> <div>KLAUS CARSON</div> <div>Architecture & Interiors</div> <div>/</div> <div>studio@klauscarson.com</div> <div>/</div> <div>Klaus Carson Studio Pty Ltd © 2022</div> <div>Architect NSW ARB No. 10450</div> <div>RAIA No. 70298</div>
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Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025



BASIX & NATHERS INFORMATION		THERMAL PERFORMANCE & MATERIAL COMMITMENTS				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY			
BASIX CERT. NUMBER: 17733435_03_01		TYPE	CONSTRUCTION	AREA (SQM)	INSULATION	TYPE	CONSTRUCTION	MAX. AREA (SQM)	TYPE
DATE OF ISSUE: 05.05.25		FLOOR	CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB	144	NOT SPEC.	FRAME	ALUMINIUM	111	GROUP A (AWNING, CASEMENT, ENTRY)
ASSESSOR NUMBER: DMN/18/1851		FLOOR	ABOVE HABITABLE ROOM OR MEZ.	86	NONE	GLAZING	SINGLE GLAZED	3	ATB_005_03 B
NATHERS CERT. NUMBER: HR_WGAUKV_02		FLOOR	HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD	24	FIBREGLASS BATTS/ROLL	GLAZING	DOUBLE GLAZED	108	ATB_006_03 B
			SUSPENDED FLOOR ABOVE GARAGE, CONCRETE, SUSPENDED; FRAME:NO FRAME	-	-				ALM_002_01 A
			-	-	-				VEL_011_01 W
			-	-	-				
		GARAGE FLOOR	CONCRETE SLAB ON GROUND	44	NONE				
		EXTERNAL WALL	CAVITY BRICK, FRAME: FRAME:NO FRAME	ALL EXT. WALLS	FIBREGLASS BATTS/ROLL				
		EXTERNAL GARAGE WALL	CAVITY BRICK, FRAME: FRAME:NO FRAME	30	NONE				
		INTERNAL WALL	PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD	158	NONE				
		CEILING & ROOF	FLAT CEILING/FLAT ROOF, FRAMED	142	FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET				
			METAL ROOF, TIMBER, UNTREATED SOFTWOOD	-	-				

General Notes

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	01	KC	27.11.24	APPROVAL / For Development Application
B	01	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	01	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:200 @ A3

Key / Legend

- FSR Proposed
- Proposed
- Demolition
- Demo. Overlay
- Existing

0 2 4 M 220 6

Project
SHI ZHU RESIDENCE
NEW DWELLING

Address
45 BLAKE ST.
ROSE BAY NSW 2029

Client
LEXON SHI & RENE ZHU

Job No.
2408A

Drawing Title
ELEVATION_WEST ELEVATION_
PROPOSED

Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

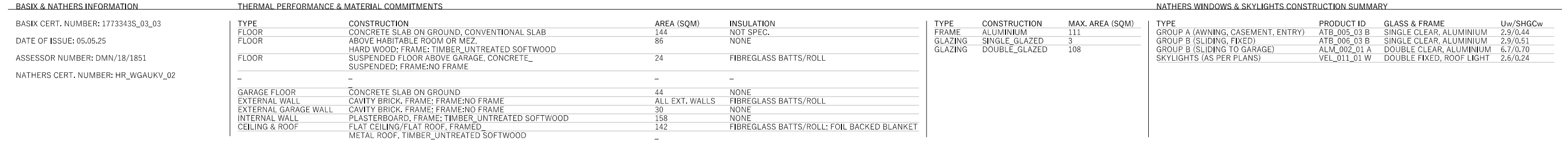
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studio@klauscarson.com

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Architect NSW ARB No. 10450
RAIA No. 70298

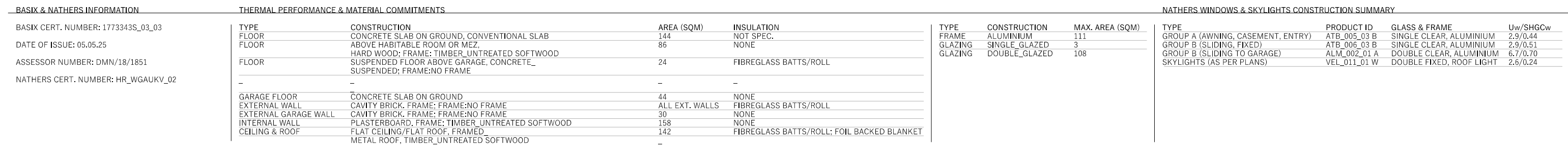
DWG#
DA_2.12

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Application No: DA-659/2024
Date Received: 20/05/2025



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	_A	OI	KC	27.11.24	APPROVAL / For Development Application					
	_B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI					
	_C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter					

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Waverley Council
Application No: DA-659/2024
Date Received: 20/05/2025

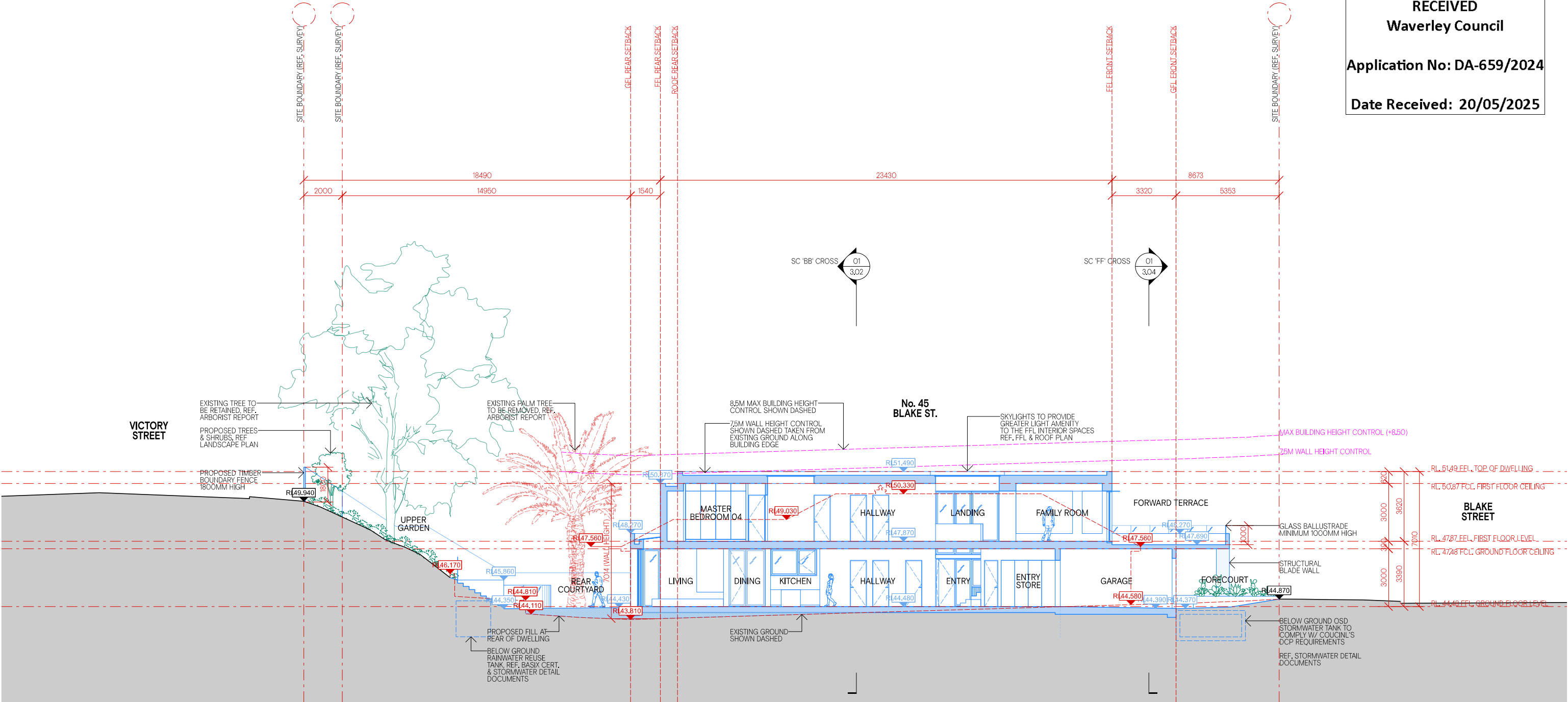


<div>General Notes</div> <div>/</div> <div>All documentation & design is the copy right of the Architect. / Documents for Planning Approval only, not for construction. / All proposed works to comply with the NCC (BCA) and relevant Australian Standards.</div>	Rev.	Drw.	Chk.	Date	Status / Reason for issue	<div>Scale / North Point</div> <div>1:200@A3</div> <div><div><div>0</div><div>2</div><div>4 M</div><div>6</div></div><div>222</div></div>	<div>Key / Legend</div> <div>FSR Proposed</div> <div><div></div></div> <div>Proposed</div> <div><div></div></div> <div>Demolition</div> <div><div></div></div> <div>Demo. Overlay</div> <div><div></div></div> <div>Existing</div> <div><div></div></div>	<div>Project</div> <div>SHI ZHU RESIDENCE</div> <div>NEW DWELLING</div> <div>Address</div> <div>45 BLAKE ST.</div> <div>ROSE BAY NSW 2029</div> <div>Client</div> <div>LEXON SHI & RENE ZHU</div> <div>Job No.</div> <div>2408A</div>	<div>Drawing Title</div> <div>ELEVATION_EAST ELEVATION_PROPOSED</div> <div>Documentation Stage</div> <div>DEVELOPMENT APPLICATION</div> <div>Date</div> <div>30.04.25</div> <div>Revision</div> <div>C</div> <div>DWG#</div> <div>DA_214</div>	<div>Architect</div> <div>KLAUS CARSON</div> <div>Architecture & Interiors</div> <div>/</div> <div>studio@klauscarson.com</div> <div>/</div> <div>Klaus Carson Studio Pty Ltd © 2022</div> <div>Architect NSW ARB No. 10450</div> <div>RAIA No. 70298</div>
	_A	OI	KC	27.11.24	APPROVAL / For Development Application					
	_B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI					
	_C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter					

RECEIVED
Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025



BASIX & NATHERS INFORMATION					THERMAL PERFORMANCE & MATERIAL COMMITMENTS					NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY				
BASIX CERT. NUMBER: 1773343S_03_03					TYPE					TYPE				
DATE OF ISSUE: 05.05.25					FLOOR					FRAME				
ASSESSOR NUMBER: DMN/18/1851					FLOOR					GLAZING				
NATHERS CERT. NUMBER: HR_WGAUKV_02					FLOOR					GLAZING				
					CONSTRUCTION					CONSTRUCTION				
					CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB					ALUMINIUM				
					ABOVE HABITABLE ROOM OR MEZ.					SINGLE GLAZED				
					HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD					DOUBLE GLAZED				
					SUSPENDED FLOOR ABOVE GARAGE, CONCRETE, SUSPENDED; FRAME: NO FRAME					MAX. AREA (SQM)				
					AREA (SQM)					GROUP A (AWNING, CASEMENT, ENTRY)				
					INSULATION					ATB_005_03 B				
					NOT SPEC.					SINGLE CLEAR, ALUMINIUM				
					FIBREGLASS BATTS/ROLL					GROUP B (SLIDING, FIXED)				
					GARAGE FLOOR					ALM_002_01 A				
					CONCRETE SLAB ON GROUND					DOUBLE CLEAR, ALUMINIUM				
					CAVITY BRICK, FRAME: FRAME: NO FRAME					SKYLIGHTS (AS PER PLANS)				
					ALL EXT. WALLS					VEL_011_01 W				
					CAVITY BRICK, FRAME: FRAME: NO FRAME					DOUBLE FIXED, ROOF LIGHT				
					PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD									
					158									
					NONE									
					FLAT CEILING/FLAT ROOF, FRAMED									
					142									
					FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET									
					METAL ROOF, TIMBER, UNTREATED SOFTWOOD									

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	01	KC	27.11.24	APPROVAL / For Development Application
B	01	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	01	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point

1:200 @ A3

Key / Legend

FSR Proposed
Proposed
Demolition
Demo. Overlay
Existing

Project

SHI ZHU RESIDENCE
NEW DWELLING

Address

45 BLAKE ST.
ROSE BAY NSW 2029

Client

LEXON SHI & RENE ZHU

Job No.

2408A

Drawing Title

SECTION_SECTION 01_
PROPOSED

Documentation Stage

DEVELOPMENT APPLICATION

Date

30.04.25

Revision

C

Architect

KLAUS CARSON

Architecture & Interiors

/ studio@klauscarson.com

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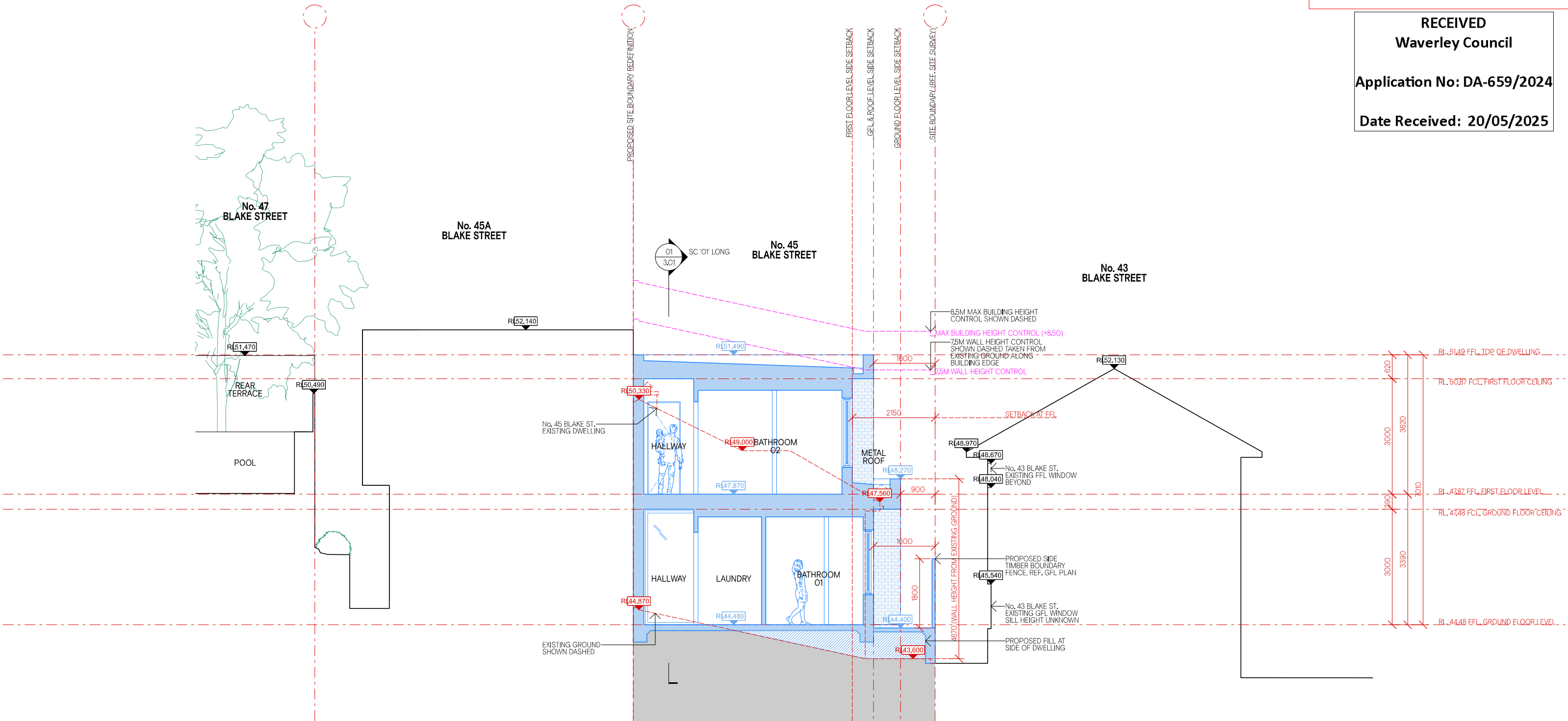
Architect NSW ARB No. 10450

RAIA No. 70298

DWG#

DA_3.01

RECEIVED
Waverley Council
Application No: DA-659/2024
Date Received: 20/05/2025



BASIX & NATHERS INFORMATION					THERMAL PERFORMANCE & MATERIAL COMMITMENTS					NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY				
BASIX CERT. NUMBER: 1773343S_03_03					TYPE					TYPE				
DATE OF ISSUE: 05.05.25					FLOOR					FRAME				
ASSESSOR NUMBER: DMN/18/1851					FLOOR					GLAZING				
NATHERS CERT. NUMBER: HR_WGAUKV_02					CONSTRUCTION					CONSTRUCTION				
					AREA (SQM)					MAX. AREA (SQM)				
					INSULATION					TYPE				
					NOT SPEC.					GROUP A (AWNING, CASEMENT, ENTRY)				
					NONE					GROUP B (SLIDING, FIXED)				
					FIBREGLASS BATTS/ROLL					GROUP B (SLIDING TO GARAGE)				
					-					SKYLIGHTS (AS PER PLANS)				
					-									
					GARAGE FLOOR									
					EXTERNAL WALL									
					EXTERNAL GARAGE WALL									
					INTERNAL WALL									
					CEILING & ROOF									
					-									

General Notes

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	01	KC	27.11.24	APPROVAL / For Development Application
B	01	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	01	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point

1:100 @ A3

Key / Legend

FSR Proposed

Proposed

Demolition

Demo. Overlay

Existing

0 1 2 M 224 3

Project

SHI ZHU RESIDENCE

NEW DWELLING

Address

45 BLAKE ST.

ROSE BAY NSW 2029

Client

LEXON SHI & RENE ZHU

Job No.

2408A

Drawing Title

SECTION_SECTION BB_

PROPOSED

Documentation Stage

DEVELOPMENT APPLICATION

Date

30.04.25

Revision

C

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studio@klauscarson.com

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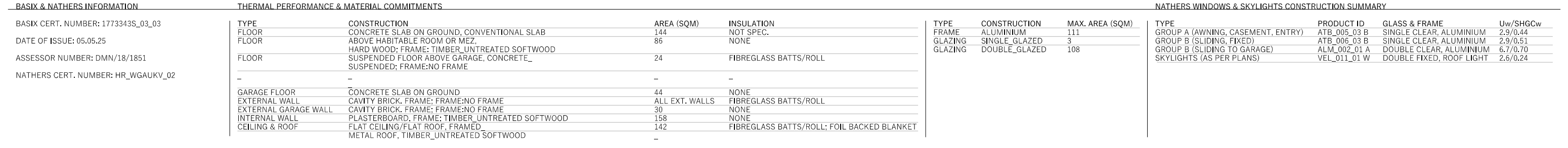
Architect NSW ARB No. 10450







RAIA No. 70298

DWG#

DA_3.02

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Application No: DA-659/2024
Date Received: 20/05/2025



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	-A	OI	KC	27.11.24	APPROVAL / For Development Application				
	-B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI				
	-C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter				

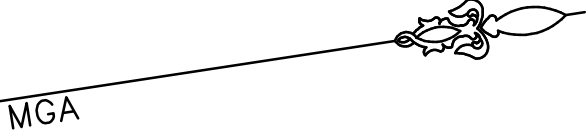
H611845 THE CROSS EASEMENTS ON THE COMMON BOUNDARY OF LOTS X AND Y IN DP417596 WILL BE TERMINATED ON DEMOLITION OF THE EXISTING PARTY WALL AND BY LODGEMENT OF A REQUEST FORM 11R

AMENDED

RECEIVED
Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025



VICTORY STREET

BLAKE STREET

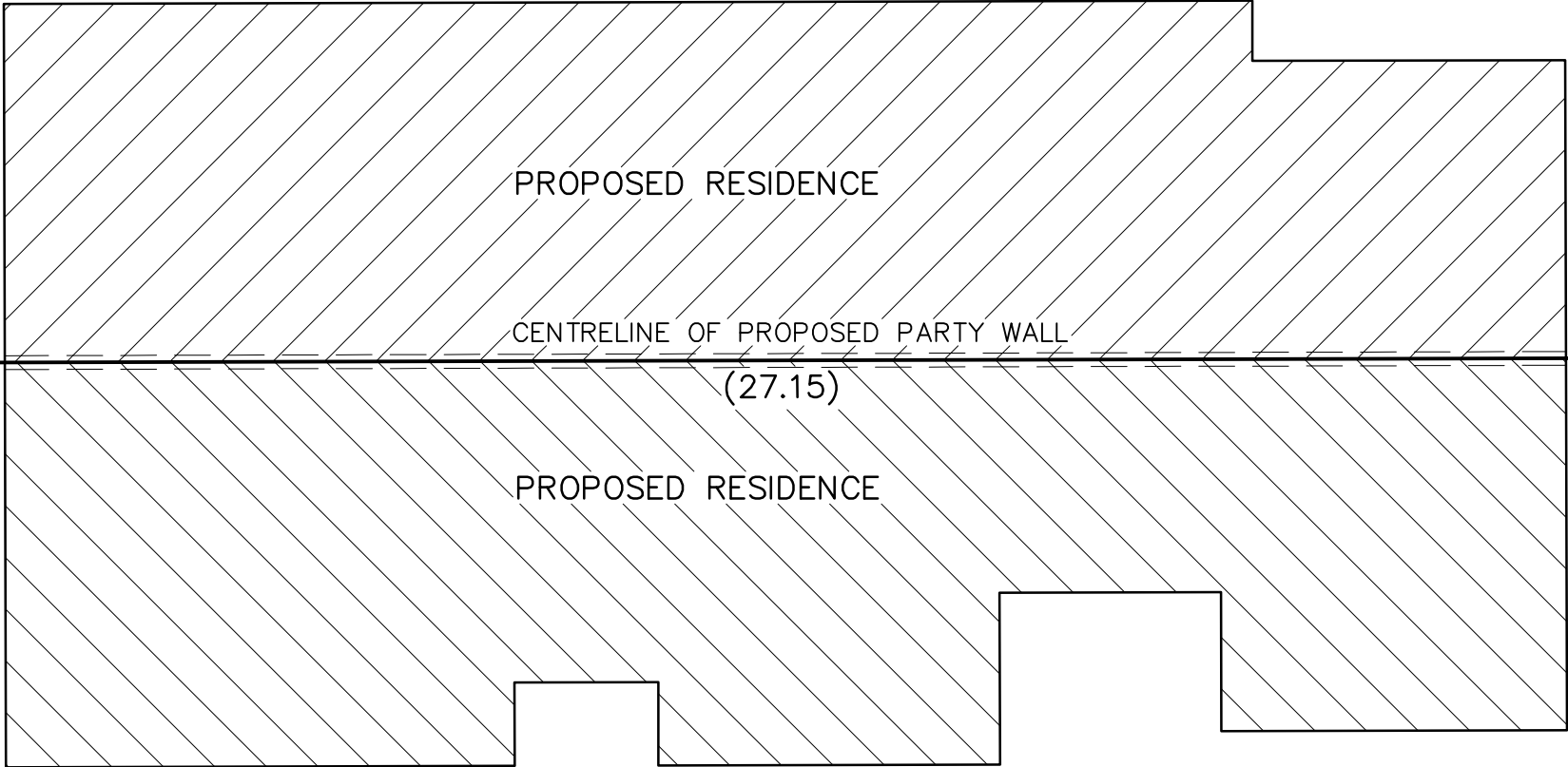
CHD: 294°43'45" - 8.27
RAD: 80.465, ARC: 8.275
CHD: 300°49'55" - 8.82
RAD: 80.465, ARC: 8.825

1
391.6 m²

2
431.9 m²

B
D.P.313433

A
D.P.329866



1A Mona Street Mona Vale NSW 2103
ACN 610 583 572
michael@wvsurveying.com.au
0474 843 180

SURVEYOR: Name: Date: Reference:	PLAN OF PROPOSED SUBDIVISION OF LOTS X AND Y IN DP.417596	LGA: WAVERLEY Locality: ROSE BAY Reduction Ratio: 1:125 Lengths are in metres	Registered	DRAFT PLAN AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO COUNCIL APPROVAL AND FINAL SURVEY
---	--	--	------------	--

AMENDED

No. 41
BLAKE STREET
LOT No. A
DEPOSITED PLAN DP313433

RECEIVED
Waverley Council

Application No: DA-659/2024

Date Received: 20/05/2025

No. 43
BLAKE STREET
LOT No. B
DEPOSITED PLAN DP313433

No. 45
BLAKE STREET
LOT No. X
DEPOSITED PLAN DP417596
AREA: 391.6 SQM
REF. TO No. 45 DA SUBMISSION

No. 45A
BLAKE STREET
LOT No. Y
DEPOSITED PLAN DP417596
AREA: 431.9 SQM
REF. TO No. 45A DA SUBMISSION

No. 4
VICTORY STREET
LOT No. B
DEPOSITED PLAN DP329866

No. 47
BLAKE STREET
LOT No. A
DEPOSITED PLAN DP329866

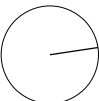
01 PLAN - CONCEPT LOT SUBDIVISION PLAN_PROPOSED
SCALE 1:200

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A	OI	KC	27.11.24	APPROVAL / For Development Application
B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:200@A3



0 2 4 M 227 6

Key / Legend

Existing Boundary Line

Proposed Boundary Line

Project
SHI ZHU RESIDENCE
NEW DWELLING
Address
45 BLAKE ST.
ROSE BAY NSW 2029
Client
LEXON SHI & RENE ZHU

Job No.
2408A

Drawing Title
PLAN_CONCEPT LOT SUBIVISION PLAN_PROPOSED
Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_0.13

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RAIA No. 70298

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Waverley Council
Application No: DA-659/2024
Date Received: 06/05/2025

LANDSCAPING & OPEN SPACE CALCULATION:

OVERALL CONTROL

SITE AREA = 391.6 SQM

OPEN SPACE CONTROL = 0.4:1 (156.6 SQM)
OPEN SPACE PROPOSED = 0.53:1 (209.1 SQM)

PRIVATE OPEN SPACE CONTROL = 25.0 SQM
PRIVATE OPEN SPACE PROPOSED = 35.0 SQM

LANDSCAPING CONTROL = 0.20:1 (78.3 SQM)
LANDSCAPING PROPOSED = 0.22:1 (86.8 SQM)

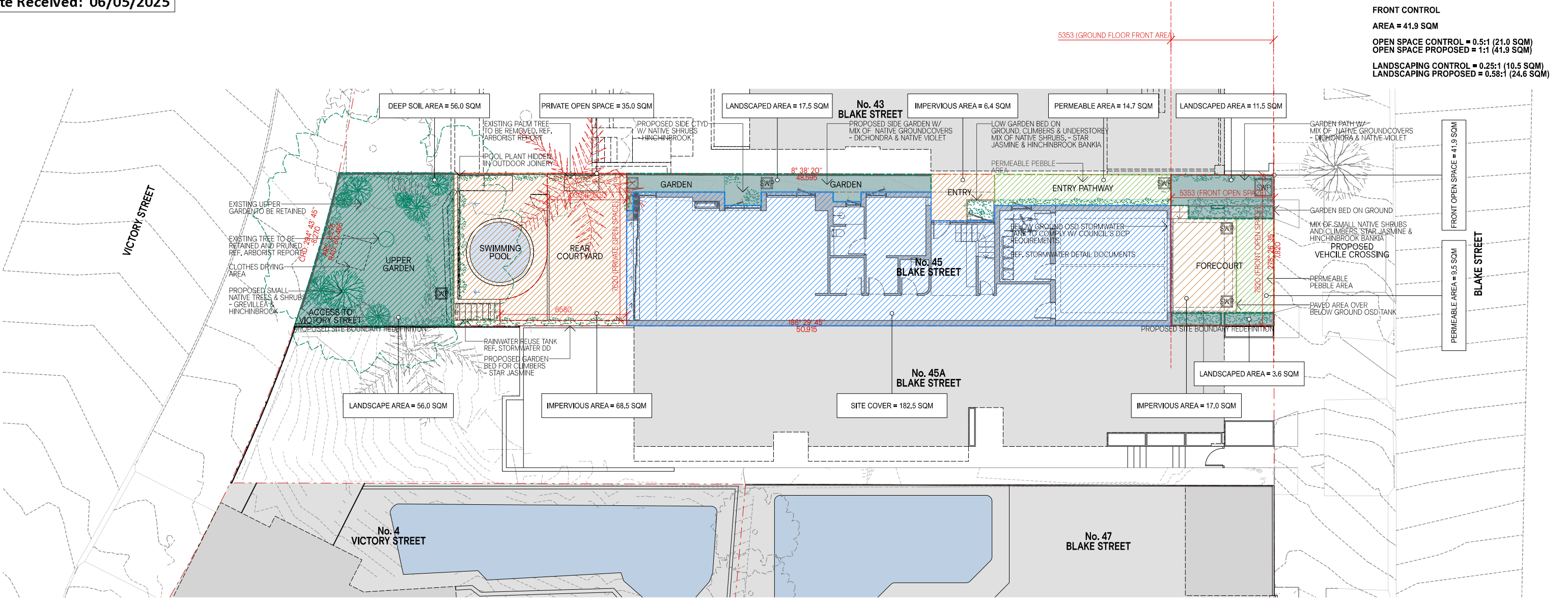
DEEP SOIL CONTROL = 0.10:1 (39.16 SQM)
DEEP SOIL PROPOSED = 0.14:1 (56.0 SQM)

FRONT CONTROL

AREA = 41.9 SQM

OPEN SPACE CONTROL = 0.5:1 (21.0 SQM)
OPEN SPACE PROPOSED = 1:1 (41.9 SQM)

LANDSCAPING CONTROL = 0.25:1 (10.5 SQM)
LANDSCAPING PROPOSED = 0.58:1 (24.6 SQM)



PLANT SCHEDULE:

	Pot Size	M. Height
MOONLIGHT GREVILLEA 'Grevillea Moonlight'	45L	4-5M
HINCHINBROOK BANKSIA 'Banksia Plagiocarpa'	200MM	1-2M
STAR JASMINE 'Trachelospermum Jasminoides'	140MM	3-4M
DICHONDRA 'Dichondra Repens'	100MM	0-0.3MM
NATIVE VIOLET 'Viola Hederacea'	150MM	0-0.2MM
MONDO GRASS 'Ophiopogon Japonicus'	100MM	0-0.3MM

MOONLIGHT GREVILLEA
Type: Tree

NATIVE: Yes

HINCHINBROOK BANKSIA
Type: Shrub

NATIVE: Yes

STAR JASMINE
Type: Climber

NATIVE: Yes

DICHONDRA
Type: Groundcover

NATIVE: Yes

NATIVE VIOLET
Type: Groundcover

NATIVE: Yes

MONDO GRASS
Type: Groundcover

NATIVE: No



Image _Supplied by Waverley Council
_Ground Floor Living Room - Middle - Standing (zoomed in) - 47 Blake St
_Existing view

01 3D VIEW - EXISTING VIEW
-



Image _Supplied by Waverley Council
_Ground Floor Living Room - Middle - Standing (zoomed in) - 47 Blake St
_3D Model & View Loss Analysis by Architect

02 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 BLAKE ST.
-



Image _Supplied by Waverley Council
_Ground Floor Living Room - Middle - Standing (zoomed in) - 47 Blake St
_3D Model & View Loss Analysis by Architect

03 3D VIEW - PROPOSED VIEW - No 45 BLAKE ST.
-

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Waverley Council

Application No: DA-659/2024

Date Received: 2 June 2025

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Scale / North Point N / A		Key / Legend	
		FSR Proposed	Open Space
		Proposed	Landscape
		Demolition	Permeable
		Demo. Overlay	Impervious
		Existing	

Project	
SHI ZHU RESIDENCE NEW DWELLING	
Address	
45 BLAKE ST. ROSE BAY NSW 2029	
Client	
LEXON SHI & RENE ZHU	
Job No.	
2408A	

Drawing Title	
3D VIEW & VIEW LOSS ANALYSIS No 45 BLAKE ST.	
Documentation Stage	
DEVELOPMENT APPLICATION	
Date	
30.04.25	
Revision	
C	

DWG#
DA_4.51

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Architect NSW ARB No. 10450	
RAIA No. 70298	



Image
_Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_Existing View



Image
_Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

VIEW LOSS
OUTLINE OF PROPOSAL



Image
_Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

01 3D VIEW - EXISTING VIEW

02 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 BLAKE ST.

03 3D VIEW - PROPOSED VIEW - No 45 BLAKE ST.



Image
_Supplied by Waverley Council
_Ground Floor Living Room - North End - Seated (zoomed in) - 47 Blake St
_Existing View



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_3D Model & View Loss Analysis by Architect

VIEW LOSS
OUTLINE OF PROPOSAL



Image
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04 3D VIEW - EXISTING VIEW

05 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 BLAKE ST.

06 3D VIEW - PROPOSED VIEW - No 45 BLAKE ST.

AMENDED

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RECEIVED
Waverley Council
Application No: DA-659/2024
Date Received: 2 June 2025

Scale / North Point
N / A

0 2 4 M 230 6

Key / Legend	
FSR Proposed	
Proposed	
Demolition	
Demo. Overlay	
Existing	
Open Space	
Landscape	
Permeable	
Impervious	

Project
SHI ZHU RESIDENCE
NEW DWELLING
Address
45 BLAKE ST.
ROSE BAY NSW 2029
Client
LEXON SHI & RENE ZHU
Job No.
2408A

Drawing Title
3D VIEW & VIEW LOSS ANALYSIS
No 45 BLAKE ST.
Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_4.52

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_Existing View

01 3D VIEW - EXISTING VIEW
-

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Application No: DA-659/2024

Date Received: 2 June 2025



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_3D Model & View Loss Analysis by Architect

VIEW LOSS
OUTLINE OF PROPOSAL

02 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 BLAKE ST.
-



Image -Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

03 3D VIEW - PROPOSED VIEW - No 45 BLAKE ST.
-

AMENDED

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										APPROVAL	
										For Development Application, Council Deferral Letter	

Scale / North Point	
N / A	

Key / Legend	
FSR Proposed	Open Space
Proposed	Landscape
Demolition	Permeable
Demo. Overlay	Impervious
Existing	

Project	SHI ZHU RESIDENCE NEW DWELLING
Address	45 BLAKE ST. ROSE BAY NSW 2029
Client	LEXON SHI & RENE ZHU
Job No.	2408A

Drawing Title	3D VIEW & VIEW LOSS ANALYSIS No 45 BLAKE ST.
Documentation Stage	DEVELOPMENT APPLICATION
Date	30.04.25
Revision	C

DWG#
DA_4.53

Architect	KLAUS CARSON
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/	Klaus Carson Studio Pty Ltd © 2022
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	RAIA No. 70298



Image -Supplied by Waverley Council
-Ground Floor Living Room - Middle - Standing (zoomed in) - 47 Blake St
-Existing view

01 3D VIEW - EXISTING VIEW
-



Image -Supplied by Waverley Council
-Ground Floor Living Room - Middle - Standing (zoomed in) - 47 Blake St
-3D Model & View Loss Analysis by Architect

02 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 & 45A BLAKE ST.
-



Image -Supplied by Waverley Council
-Ground Floor Living Room - Middle - Standing (zoomed in) - 47 Blake St
-3D Model & View Loss Analysis by Architect

03 3D VIEW - PROPOSED VIEW - No 45 & 45A BLAKE ST.
-

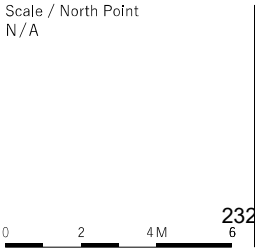
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Application No: DA-659/2024

Date Received: 2 June 2025

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Key / Legend	
FSR Proposed	Open Space
Proposed	Landscape
Demolition	Permeable
Demo. Overlay	Impervious
Existing	

Project
SHI ZHU RESIDENCE
NEW DWELLING

Address
45 BLAKE ST.
ROSE BAY NSW 2029

Client
LEXON SHI & RENE ZHU

Job No.
2408A

Drawing Title
3D VIEW & VIEW LOSS ANALYSIS
No 45 & 45A BLAKE ST.

Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_4.61

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_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_Existing View



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_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

VIEW LOSS
OUTLINE OF PROPOSAL



Image
_Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

01 3D VIEW - EXISTING VIEW

02 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 & 45A BLAKE ST.

03 3D VIEW - PROPOSED VIEW - No 45 & 45A BLAKE ST.



Image
_Supplied by Waverley Council
_Ground Floor Living Room - North End - Seated (zoomed in) - 47 Blake St
_Existing View



Image
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_Ground Floor Living Room - North End - Seated (zoomed in) - 47 Blake St
_3D Model & View Loss Analysis by Architect

VIEW LOSS
OUTLINE OF PROPOSAL



Image
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_Ground Floor Living Room - North End - Seated (zoomed in) - 47 Blake St
_3D Model & View Loss Analysis by Architect

04 3D VIEW - EXISTING VIEW

05 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 & 45A BLAKE ST.

06 3D VIEW - PROPOSED VIEW - No 45 & 45A BLAKE ST.

AMENDED

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Waverley Council

Application No: DA-659/2024

Date Received: 2 June 2025

Scale / North Point
N / A

0 2 4 M 233 6

Key / Legend	
FSR Proposed	
Proposed	
Demolition	
Demo. Overlay	
Existing	
Open Space	
Landscape	
Permeable	
Impervious	

Project
SHI ZHU RESIDENCE
NEW DWELLING

Address
45 BLAKE ST.
ROSE BAY NSW 2029

Client
LEXON SHI & RENE ZHU

Job No.
2408A

Drawing Title
3D VIEW & VIEW LOSS ANALYSIS
No 45 & 45A BLAKE ST.

Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_4.62

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RAIA No. 70298



Image -Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_Existing View

01 3D VIEW - EXISTING VIEW

RECEIVED
Waverley Council

Application No: DA-659/2024

Date Received: 2 June 2025



Image -Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

VIEW LOSS
OUTLINE OF PROPOSAL

02 3D VIEW - EXISTING VIEW WITH PROPOSED OVERLAY - No 45 & 45A BLAKE ST.



Image -Supplied by Waverley Council
_Ground Floor Terrace - Northern End - Standing - 47 Blake St
_3D Model & View Loss Analysis by Architect

03 3D VIEW - PROPOSED VIEW- No 45 & 45A BLAKE ST.

AMENDED

General Notes					Rev.		Drw.		Chk.		Date		Status / Reason for issue	
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N / A		FSR Proposed	
		Proposed	Open Space
		Demolition	Landscape
		Demo. Overlay	Permeable
		Existing	Impervious

Project	
SHI ZHU RESIDENCE NEW DWELLING	
Address	
45 BLAKE ST. ROSE BAY NSW 2029	
Client	
LEXON SHI & RENE ZHU	
Job No.	
2408A	

Drawing Title	
3D VIEW & VIEW LOSS ANALYSIS NO 45 & 45A BLAKE ST.	
Documentation Stage	
DEVELOPMENT APPLICATION	
Date	
30.04.25	
Revision	
C	

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Report to the Waverley Local Planning Panel

Application number	DA-657/2024
Site address	45A Blake Street, Rose Bay
Proposal	Demolition and construction of a new two-storey semi-detached dwelling, including new carport, boundary adjustment and associated landscaping works.
Date of lodgement	3 January 2025
Owner	Y Wang
Applicant	Klaus Carson Studio Pty Ltd
Submissions	Three
Cost of works	\$1,828,507.00
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with the minimum lot size development standard • View loss • First floor rear setback • Landscaping within the front setback
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 demolition and construction of a new two-storey semi-detached dwelling, including new carport, boundary adjustment and associated landscaping works. at the site known as 45A Blake Street, Rose Bay.

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

- Non-compliance with the minimum lot size development standard.
- View loss
- First floor rear setback
- Landscaping within the front setback

The assessment finds these issues acceptable on merit and as conditioned as they will not result in any adverse impacts on the streetscape or neighbouring properties.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submission 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 25 March 2025.

The site is identified as Lot Y in DP 417596, known as 45A Blake Street, Rose Bay.

The site is irregular in shape with a primary frontage of 8.496m to Blake Street and a secondary frontage of 8.455m to Victory Street. It has an area of 432.2m² and falls from the south towards the north by approximately 5m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from Blake Street.

The site is adjoined by the opposing single storey semi-detached to the west and two storey dwelling house to the east. The locality is characterised by a variety of low density residential developments.

Figures 1 to 10 are photos of the site and its con



Figure 1: Streetscape context along Blake Street.



Figure 2: Front setback of the site facing southwest.



Figure 3: Eastern setback facing south.



Figure 4: Eastern setback facing north.



Figure 5: Rear setback of the site facing south.



Figure 6: Rear of the site facing northwest towards 45 Blake Street.



Figure 7: Rear setback of the site facing northeast towards 47 Blake Street.



Figure 8: Rear setback of the site facing west.



Figure 9: Rear setback of the site facing east towards 4 Vicory Street.



Figure 10: Rear of the site as viewed from Victory Street.

1.3. Relevant Development History

Council's records detail the following development history for the site:

- On 1 March 1999, local development application L-112/1998 was granted consent for alterations and additions including a first floor addition and carport.
- On 4 May 2001, local development application L-647/2000 was granted consent for a second storey addition to an existing semi including a new double garage.
- On 8 September 2011, development application DA-165/2011 was granted consent for alterations and additions including a first floor addition.

1.4. Proposal

The development application seeks consent for a new semi-detached dwelling, and specifically includes the following:

- Boundary adjustment along the common boundary of 45 and 45A Blake Street.
- Demolition of existing structures.

- Construction of a two storey semi-detached dwelling comprising:
 - *Ground floor* – Garage, bin and bike store, entry hall, Bedroom 1, bathroom, laundry, pantry, open plan kitchen/dining and living space, and a lift and stairs to the first floor.
 - *First floor* – Three bedrooms, family room, study, two bathrooms, WC, one walk-in robe and built-in robes, four voids, lift and a forward terrace with landscaping.
 - *Roof* – New roof with nine skylights.
- Gas fireplace.
- Rear courtyard with rainwater tank.
- Landscaping and paving.
- Masonry common boundary walls and a new timber boundary fence along the rear boundary.

1.5. Background

The background of the application is as follows:

- On 2 January 2025, **DA-659/2024** for the adjoining semi at 45 Blake Street was lodged with Council seeking approval for demolition and construction of a new two-storey semi-detached dwelling, new double garage, boundary adjustment and associated landscaping works.
- On 3 January 2025, subject development application (**DA-657/2024**) was lodged with Council
- On 15 January 2025, a Stop the Clock letter was issued to the applicant requesting additional information in relation to GFA/FSR, and details throughout the plans and documentation.
- On 18 January 2025, the applicant sought an extension to respond to the Stop the Clock letter. An extension to 12 February 2025 was granted.
- On 12 February 2025, the applicant submitted amended plans and documentation.
- On 23 April 2025, a deferral letter was issued to the applicant requesting amended plans and additional information in relation to setbacks, view impacts, wall height, landscaping, stormwater and flooding.
- On 6 and 7 May 2025, the applicant submitted amended plans and documents.
- On 28 May 2025, an amended view analysis was requested.
- On 2 June 2025, an amended view analysis was provided.

The amended plans and documents received on 6 and 7 May and 2 June 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs below:

SEPP (Transport and Infrastructure) 2021

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of SEPP (Transport and Infrastructure) 2021 as the proposal includes development within 5m of an exposed overhead electricity power line. Ausgrid raised no objection to the proposal. Refer to section 3.5 for Ausgrid's comments.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none">• 500m²	No	<p>The existing site comprises an area of 432.2m² and does not comply with the 500m² minimum lot size requirement by 67.8m² or 13.56%</p> <p>As part of the subject application and the application concurrently being assessed for the adjoining site at 45 Blake Street under DA-659/2024, realignment of the common boundary between 45 and 45A Blake Street is proposed.</p>

Provision	Compliance	Comment
		<p>The boundary adjustment results in an overall decrease to the site area (by calculation) of 45A Blake Street by 0.3m² and a 0.3m² increase to the site area of 45 Blake Street. The amendments to the lot sizes are as follows:</p> <p><u>45A Blake Street:</u></p> <ul style="list-style-type: none"> Existing - 432.2m² (67.8m² or 13.56% non-compliance) Proposed - 431.9m² (68.1m² or 13.62% non-compliance) <p><u>45 Blake Street:</u></p> <ul style="list-style-type: none"> Existing - 391.3m² (108.m² or 21.74% non-compliance) Proposed - 391.6m² (108.4m² or 21.68% non-compliance) <p>Refer to the detailed assessment provided below this table.</p>
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal comprises a building height of 7.33m and complies with the building height development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Site area = 431.9m² 0.62991:1 (272.05m²) 	Yes	The proposal comprises a GFA of 246.27m ² which equates to an FSR of 0.57:1 and complies with 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 minimum lot size development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.21 Flood Planning	Yes	<p>The site is identified to be within a low flood risk precinct.</p> <p>Council's Stormwater Management Department raised no objection to the proposal, subject to the following condition:</p> <p>FLOOD REQUIREMENTS</p> <p><i>The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an</i></p>

Provision	Compliance	Comment
		<p><i>unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.</i></p> <p><i>In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate:</i></p> <p><i>(a) The amended flood risk management report to include the crest of the driveway providing access between the road and basement car parking shall be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher.</i></p> <p><i>(b) The evacuation requirements of the development during flooding shall be considered in the updated Flood Risk Management Report.</i></p> <p><i>(c) Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.</i></p> <p>When acting in accordance with the conditions of consent, the proposal will not result in any adverse impacts with regard to flooding.</p>
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Satisfactory. The proposal will generally maintain the existing ground levels throughout the site and does not include any significant earthworks.
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

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

Clause 4.6 Exceptions to Development Standards - Minimum Subdivision Lot Size

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The site is subject to a minimum lot size development standard of 500m². The proposal will result in a lot size of 431.9m², representing a 68.1m² or 13.62% non-compliance with the development standard. It is noted that the existing site comprises an area of 432.2m² (by calculation) and already exhibits a 67.8m² or 13.56% non-compliance with the development standard. The difference between the existing and proposed site area therefore comprising 0.3m².

Below are the existing and proposed boundary configurations detailed in **Figure 1** and **Figure 2** of the submitted Clause 4.6 Variation Request.

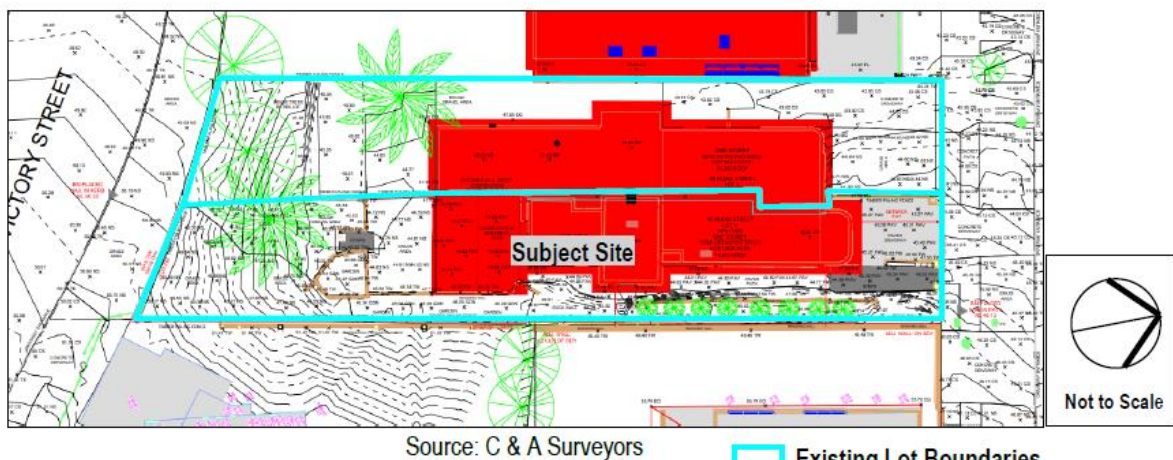


Figure 1: Survey Plan (Existing Lot Layout)

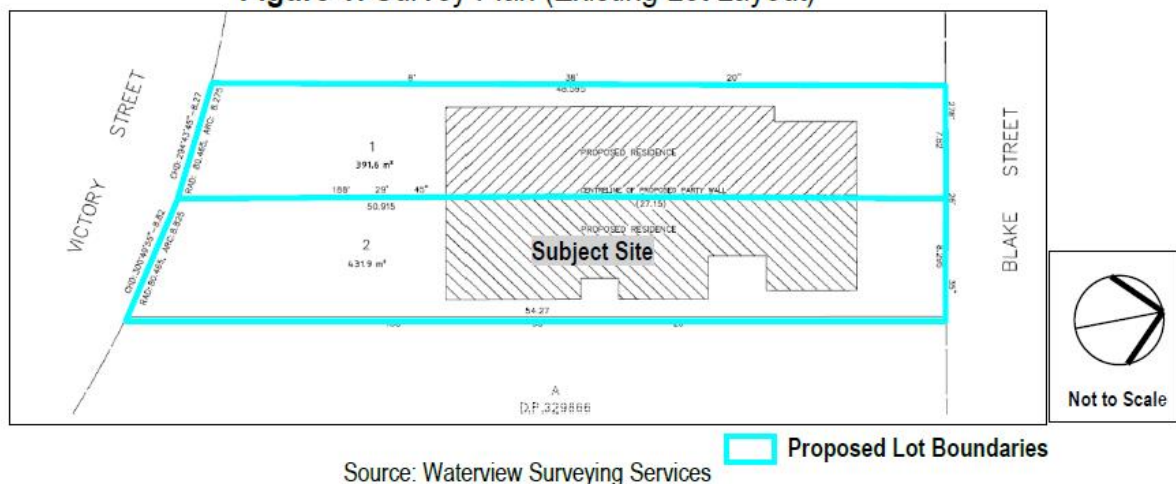


Figure 2: Proposed Subdivision Plan

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 minimum lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Despite the non-compliance, the proposal will be consistent with the low density character of the locality.*
 - (ii) The proposal will continue to provide two allotments which can support the proposed new pair of semi-detached dwellings which comply with the stipulated built form controls.*
 - (iii) The existing site is below the minimum lot size development standard; therefore any boundary adjustment would not be able to comply with the minimum requirement.*
 - (iv) The proposal will retain the existing number of lots and the existing subdivision pattern and will be consistent with the existing context and subdivision patterns present within the locality.*
 - (v) There are other examples in the vicinity of the site which have similar non-compliances with the minimum lot size standard.*
 - (vi) The proposal complies with the majority of the built form controls including with regard to height, FSR, setbacks, landscaping and open space.*
 - (vii) The proposal demonstrates that the development for a semi-detached dwelling which will have a bulk, scale and character in keeping with the desired future character of the area can be accommodated on the site, irrespective of the numerical lot size departure.*
 - (viii) The proposal will maintain adequate separation from neighbouring properties and will not result in any adverse impacts on the streetscape, neighbouring properties, or future occupants with regard to solar access, views, privacy, acoustic amenity, or streetscape character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established by the Court in Wehbe.*
 - (ii) The proposal includes a minor adjustment to the existing common boundary with 45 Blake Street in order to remove the 'dog leg' within the centre of the site and create two rectangular lots in order to facilitate the proposed new pair of semi-detached dwellings.*
 - (iii) Whilst the extent of the non-compliance with the minimum lot size development standard is 68.1m² (13.62%) for the lot, the difference from the existing arrangement represents a minor variation of 0.3m² from the existing situation.*
 - (iv) Despite the non-compliance the site is able to accommodate an LEP and DCP compliant building envelope which is in keeping with the desired future character of the locality.*

- (v) *The proposed lot sizes are compatible with the surrounding subdivision pattern in the locality, and the lot shapes, dimensions and orientation will align with existing lots along Blake Street and surrounding streets.*
- (vi) *The proposal will satisfy the objectives of the R2 zone, in particular, it will respond to the housing needs of the community whilst being compatible with the surrounding low density environment, it will be of a built form which is contextually compatible, it will provide housing which meets the needs of the community, and it has been designed to achieve an improved landscape and sustainability outcome.*

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, and the relevant legislation. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]

It is agreed that the existing site is already under the minimum lot size development standard and that the proposal results in a minor adjustment to the existing situation. The proposal will not be incompatible with existing subdivision patterns present within the locality and the proposed boundary adjustment will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties. Despite the non-compliance, the proposal will therefore satisfy the objectives of Clause 4.1

Minimum Subdivision Lot Size, and the applicant has adequately demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

It is agreed that despite the non-compliance the proposal will satisfy the objectives of the R2 zone as well as the objectives under Clause 4.1 Minimum Subdivision Lot Size, and that the proposal includes only a minor amendment to the site's existing arrangements. The proposal will facilitate a compliant building envelope and comprise a subdivision pattern and built form which is in keeping with the context of the locality and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties as a result of the non-compliance.

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

The written request provided by the applicant to vary the minimum lot size development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes (as conditioned)	<p>The plans detail that ceiling fans will be provided in all habitable rooms however detail that a gas cook top is proposed which does not comply with control (c) under part 2.3 <i>Indoor Air Quality</i>.</p> <p>A condition of consent has therefore been included which stipulates that electric cooking facilities should be provided.</p>
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is not identified as being located within a Habitat Corridor and does not include the removal of any existing trees.

Development Control	Compliance	Comment
		Council's Tree Management Officer has included standard tree protection conditions to ensure all trees within the site and neighbouring properties are protected and retained.
5. Water Management	Yes	Satisfactory. Council's Stormwater Management Department raised no objection subject to conditions of consent.
7. Transport 7.2.2 Parking Rates <i>Minimum parking rate:</i> <ul style="list-style-type: none"> 0 <i>Maximum parking rate:</i> <ul style="list-style-type: none"> 2 	Yes	<p>The site is located within Parking Zone 2 which permits up to two car spaces for a dwelling with three or more bedrooms. The proposal includes a new garage at the front of the site which in accordance with Council's Traffic Management Department's comments is capable of accommodating parking for one car which complies with the maximum car parking requirements.</p> <p>Parking will be integrated into the design of the dwelling and will be sited in keeping with the existing on-site parking arrangements and the streetscape context.</p>
11. Design Excellence	Yes	As conditioned, the proposal will demonstrate design excellence.
13. Excavation	Yes	Satisfactory. The proposal does not include any significant excavation or earthworks.

Table 3: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> <i>Maximum wall height of 7.5m</i> 	Yes	The proposal comprises a wall height up to 6.7m and complies with the maximum wall height control.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <i>Predominant front building line (adjacent three neighbours on either side)</i> <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> <i>Development at first floor level and above</i> 	No (acceptable on merit)	<p>The front setbacks proposed at the ground and first floor will be compatible with the predominant front building line presented by the three properties neighbouring to the west and will be appropriate for the streetscape.</p> <p>The rear setbacks proposed at the ground will be compatible with the rear setback of the adjoining property at 45 Blake Street and is acceptable.</p>

Development Control	Compliance	Comment
<i>shall be set back from the rear building line of the ground floor level</i>		<p>The first floor rear setback will however extend beyond the existing first floor rear setbacks presented by the neighbouring properties.</p> <p>During the assessment, amended plans detailing an increased first floor rear setback were requested. Amended plans detailing a slight increase to the first floor rear setback were provided, however the setback provided was not sufficient to demonstrate a compatible first floor rear building line.</p> <p>A condition of consent has therefore been included which requires the first floor rear setback to be increased so that it does not extend further south than the first floor rear setback at 39 Blake Street, as has been conditioned for the development at 45 Blake Street under DA-659/2024. This can be achieved through removal of the voids and therefore would have minimal amendments to the floor plate.</p> <p>As conditioned, 45 and 45A Blake Street will comprise a first floor rear setback which is compatible with the first floor rear alignment with the neighbouring properties, and bulk and scale and the impacts on the amenity of the neighbouring properties will be adequately minimised.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors.) 	Yes	The proposal complies with the minimum side setback requirements.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes	The proposal will be in keeping with the character of the streetscape and will not result in any adverse impacts on significant landscaping within the vicinity of the site.
1.4 Fences		
<u>Front:</u> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m in height <u>Side and Rear:</u> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	<p>Fencing proposal along the common and rear boundary are proposed to a height of 1.8m in accordance with the stipulated requirements.</p> <p>No front boundary fencing is proposed.</p>

Development Control	Compliance	Comment
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> <i>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</i> <i>Maximum size of balconies: 10m² in area 1.5m deep</i> <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	No (acceptable as conditioned and on merit)	<p>The proposal includes a first floor front terrace which comprises dimensions of approximately 4.5m and 5.8m and an area of 26m² and does not comply with the maximum area and width controls stipulated under control (e).</p> <p>To minimise impacts and achieve greater compliance with the stipulated controls, a condition of consent has been included which requires a planter box with a minimum internal width of 1m (as has been provided along the western side) to be provided along the northern (front) side of the terrace. As conditioned, the size of the terrace will be reduced, and the landscaping provided along the frontage will soften the built form and provide an improved streetscape outcome.</p> <p>As the development will be sited below 47 Blake Street, as detailed on section BB and DD, the proposal will not result in any adverse privacy impacts on that property.</p> <p>The proposal will not result in any adverse privacy impacts on the neighbouring properties.</p>
1.6 Solar access		
<ul style="list-style-type: none"> <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	Yes	<p>The proposal complies with the building height and FSR development standards and has/will be (by condition) set back an adequate distance from the property boundaries.</p> <p>Whilst the proposal will result in some additional overshadowing, it will not result in the neighbouring properties receiving less than 3 hours of solar access to their private open space, and will not result in any unreasonable overshadowing of north facing habitable room windows.</p> <p>The proposal therefore satisfies the minimum requirements and is acceptable.</p>
1.7 Views		
<ul style="list-style-type: none"> <i>Views from the public domain are to be maintained</i> <i>Development to be designed and sited so as to enable a sharing of</i> 	Yes	Please refer to the detailed assessment provided below this table.

Development Control	Compliance	Comment
<i>views with surrounding dwellings particularly from habitable rooms and decks.</i>		
1.8 Car parking		
1.8.1 Design Approach <ul style="list-style-type: none"> <i>Parking only allowed where site conditions permit</i> <i>Designed to complement the building and streetscape</i> <i>Car parking structures to be behind the front building line</i> <i>Driveways are to be located to minimise the loss of on street parking</i> <i>Parking to be provided from secondary streets or lanes where possible.</i> 	Yes	<p>Providing on-site parking at the front of the site is compatible with the existing site arrangements and the context of the streetscape.</p> <p>Due to the topography of the site and the existing context, providing parking at the rear of the site via the rear boundary is not preferred in this instance.</p> <p>The proposed car parking will be integrated with the design of the dwelling and will not result in any adverse impacts on the streetscape.</p> <p>The existing vehicular crossover will be retained and therefore the proposal will not result in the loss of any on-street parking.</p>
1.8.2 Parking rates	Yes	The proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location <ul style="list-style-type: none"> <i>Parking to be behind front building line for new dwellings</i> <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i> 	No (acceptable on merit)	<p>Providing on-site parking at the front of the site is compatible with the existing site arrangements and the context of the streetscape.</p> <p>Due to the topography of the site and the existing context, providing parking at the rear of the site via the rear boundary is not preferred in this instance.</p>
1.8.4 Design <ul style="list-style-type: none"> <i>Complement the style, massing and detail of the dwelling</i> <i>Secondary in area and appearance to the design of the residences</i> 	Yes	Car parking will be integrated within the design of the dwelling and will not result in any adverse impacts on the character of the streetscape.
1.8.5 Dimensions <ul style="list-style-type: none"> <i>5.4m x 2.4m per vehicle</i> 	Yes	Based on the below overlay provided by Council's Traffic Management Department, when taking into consideration the minimum dimensions required for a vehicle, including door openings, the garage was found to facilitate parking for one vehicle.

Development Control	Compliance	Comment
1.8.6 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 proposal retains the existing vehicular crossover and will not result in any impacts to on-street parking.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 20% of site area, with at least half deep soil Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	No (acceptable on merit)	<p>The proposal complies with the 20% minimum landscaped area and 40% open space requirements for the entire site and is capable of facilitating an outdoor clothes drying area.</p> <p>The proposal however only provides 37.3% of the front setback as landscaped area and therefore does not comply with the 50% minimum requirement in accordance with control (g). To increase the provision of landscaping forward of the building line, a condition of consent has been included which requires the pedestrian entry path between the northern boundary and the garage to comprise stepping stones through landscaping.</p> <p>As conditioned, hard surfaces will be adequately minimised and the provision of landscaping forward of the building line will be appropriate for the site.</p>
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form <ul style="list-style-type: none"> Demolition of one semi-detached dwelling to a pair is not supported 	Yes	The subject semi and the adjoining semi are proposed to be demolished and re-built as part of the subject DA and the DA being assessed

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>The style of the built form must be identified and maintained across the pair or group of buildings.</i> 		<p>concurrently for 45 Blake Street under DA-659/2024.</p> <p>The developments proposed at 45 and 45A Blake Street have been designed to be in keeping with one another and will present to the street as a pair.</p> <p>The external materials and design will not be incompatible with the context of the locality.</p>
1.13.3 Material finishes and detail for semi-detached dwellings	Yes	The materials and finishes proposed will be compatible with that of the adjoining semi at 45 Blake Street and the two dwellings will present to the street as a pair.
1.13.6 Common or shared party walls	Yes	Conditions of consent have been included requiring the appropriate measures to be implanted to ensure there are no adverse impacts on the adjoining property relating to the common boundary wall.
1.14 Dual Frontage Development		
1.14.1 General Controls <ul style="list-style-type: none"> <i>Primary and secondary frontage to be defined</i> <i>Appropriate forms to be provided to each street</i> 	Yes	The proposal appropriately addresses both street frontages.

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

Views

Section 1.7 in Part C1 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain.

The proposal will not result in any loss of views from the public domain and is considered consistent with the objectives and provisions of the DCP in this regard.

During the notification period, view loss concerns were raised by the properties neighbouring to the west of the site at 47 Blake Street and 4 Victory Street. A site inspection of 47 Blake Street was undertaken on 25 March 2025 and an inspection of 4 Victory Street was undertaken on 22 May 2025. The photos from the inspections are provided below.

The potential view loss impacts have been assessed in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*. The view sharing planning principle requires a four step assessment to determine if view sharing is reasonable as follows:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

47 Blake Street



Figure 13. View from the northern end of the ground floor living room. Seated position (zoomed in).



Figure 14. Figure 13 with view analysis overlay provided by the applicant.



Figure 15. View from the northern end of the ground floor living room. Standing position.



Figure 16. View from the middle of the ground floor living room. Standing position (zoomed in).



Figure 17. View from the ground floor dining room. Standing position (zoomed in).



Figure 18 Figure 16 with view analysis overlay provided by the applicant.



Figure 19. View from the ground floor TV room. Standing position (zoomed in).



Figure 20. View from the northern end of the ground floor terrace. Seated position (zoomed in).



Figure 21. View from the northern end of the ground floor terrace. Standing position.



Figure 22. Figure 21 with view analysis overlay provided by the applicant.



Figure 23. View from the southern end of the ground floor terrace. Standing position (zoomed in).

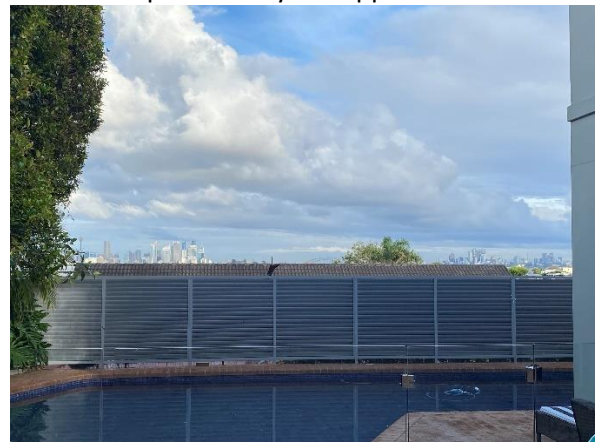


Figure 24. View from the ground floor rear terrace. Standing position (zoomed in).



Figure 25. View from the first floor front bedroom. Standing position.



Figure 26 View from the first floor rear balcony. Standing position.

The views which would be affected include views of Sydney Harbour Bridge, Sydney Tower, the Sydney city skyline, Sydney Harbour, North Sydney, Neutral Bay, land and water interface and district views. The views of the Sydney Harbour Bridge and Sydney Tower are considered to be iconic and therefore are given the highest value.

The views are enjoyed from the living room, dining room, and TV room and its adjoining terrace on the ground floor, as well as the western bedrooms and an adjoining balcony on the first-floor. The views are obtained over a side boundary, over and around the subject site and its neighbouring properties. Views of the Sydney Harbour Bridge and Sydney Tower are obtained from the lounge room, dining room and TV room on the ground floor, all external ground floor terrace areas and all first floor west facing windows and the first floor west facing balcony.

At the ground floor, the proposal will result in a partial to full loss of views of Sydney Tower, Sydney city skyline, Sydney Harbour Bridge, Sydney Harbour and North Sydney between approximately the middle of the ground floor living room and its adjoining terrace, and rear terrace, thereby including the dining room, TV room, swimming pool area. The impacts will vary depending on viewing angles and location, with the impacts increasing as one moves further south.

Views towards the Sydney Tower, the Sydney city skyline, Sydney Harbour Bridge, Sydney Harbour, North Sydney and Neutral Bay will be largely retained from the northern end of the living room and its adjoining terrace in a standing and seated position as detailed in **Figure 14**, **Figure 18** and **Figure 22** above, and views from the first floor will not be impacted by the proposal as detailed in **Figure 25** and **Figure 26** above.

The objection received from 47 Blake Street highlighted that 45 and 45A Blake Street are subject to a covenant (Covenant B291176) which restricts the height of any future developments on those sites to the height of the western boundary fence to 47 Blake Street in order to protect views from 47 Blake Street over 45 and 45A Blake Street.

In accordance with Clause 1.9A of Waverley LEP 2012, the covenant does not restrict Council from approving the development. Consideration has however been given to the intention of the covenant. Whilst the proposal will result in a loss of views from the neighbouring property at 47 Blake Street, the impacts are not considered to be unreasonable as the proposal complies with the key built form controls with regard to height, FSR, and setbacks, the views are obtained over a side boundary and any first floor addition would result in impacts on views. The impacts on views have been minimised and adequate view sharing will be maintained.

4 Victory Street



Figure 27. View from the ground floor private open space. Standing position.



Figure 28. View from the ground floor private open space. Standing position (zoomed in).



Figure 29. View analysis overlay provided by the applicant.



Figure 30. View from the living room on the ground floor. Standing position (zoomed in).



Figure 31. View from the kitchen on the ground floor. Standing position.



Figure 32. View from the kitchen on the ground floor. Standing position (zoomed in).

The views which would be affected include views of Sydney Harbour Bridge (iconic), Sydney Harbour, the Sydney city skyline, land and water interface, North Sydney, Neutral Bay and district views. The views of the Sydney Harbour Bridge are considered to be iconic and therefore are given the highest value.

The views are enjoyed from the living room, kitchen and private open space on the ground floor. Access to the first and second floor of the dwelling was not provided. The written submission states that concerns are raised with regard to the loss of views from the first floor, however at the inspection it was advised that they did not have concerns with regard to impacts on views from the upper levels. The assessment has found that due to the elevation of the first and second floor of the dwelling at 4 Victory Street in relation to the proposed development, the proposal would not result in any impacts on views from the first and second floor.

The views are obtained over the rear boundary, over and around the subject site and its neighbouring properties.

The proposal will result in a partial loss of views of the Sydney Harbour Bridge, and a full loss of views of Sydney Harbour, land and water interface, North Sydney, Neutral Bay and district views from the ground floor and rear private open space. Partial views of Sydney Harbour Bridge and view of the Sydney city skyline will be retained over the proposed development.

The proposal is considered to be reasonable as it complies with the building height and FSR development standards as well as the minimum side setback requirements and will demonstrate a compatible first floor rear alignment as conditioned. Views from the first and second floor of the dwelling will be unaffected and therefore as conditioned, the proposal will maintain adequate view sharing and is acceptable.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 17 February and 3 March 2025 in accordance with the *Community Engagement Strategy 2023*.

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 first floor front setback was increased, reducing view impacts on 47 Blake Street.
- The height of the proposal was reduced by 300mm, minimising impacts on the adjoining properties and the streetscape with regard to views, visual bulk and scale and overshadowing.
- The first floor rear setback was increased, minimising impacts on the neighbouring properties.

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

- 47 Blake Street, Rose Bay
- 4 Victory Street, Rose Bay

Note: The submissions received from or on behalf of 47 Blake Street were lodged in objection to both the subject proposal and that for 45 Blake Street under DA-659/2024, with the impacts associated with each development not specifically defined. The response to the concerns raised has been addressed accordingly.

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

- Impact on views from 47 Blake Street
- Impact on views from 4 Victory Street
- Non-compliance with first floor predominant front building line
- Privacy impacts on 47 Blake Street

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

Issue: Privacy

Response: Concern was raised that the proposal would result in privacy impacts on 4 Victory Street. To minimise privacy impacts, lowering the building so that it is not higher than the top of the rear fence at 4 Victory Street was suggested. As can be seen in the view impact analysis which details an overlay of the proposed development, the proposal will not result in any privacy impacts on 4 Victory Street as the development is sited below the property at 4 Victory Street.

Issue: View loss analysis

Response: Concern was raised that a view loss analysis had not been provided, and it was requested that height poles be erected and 3D modelling be provided to ascertain the extent of impacts the proposal would have on views from 47 Blake Street. During the assessment, a view analysis with 3D modelling was provided. As the proposal complies with the building height development standard and the key built form controls, and the information Council was able to obtain from the site inspection of 47 Blake Street is sufficient to enable a detailed assessment, height poles were not considered to be necessary to complete the assessment.

Issue: Inadequate Statement of Environmental Effects (SEE)

Response: Concern was raised that the SEE submitted did not accurately assess or acknowledge the adverse impacts on 47 Blake Street likely to result from the proposal. The information submitted in the SEE does not preclude Council from identifying impacts on neighbouring properties or from undertaking a detailed assessment of potential impacts. A site inspection of both properties was undertaken as part of the assessment which has provided sufficient information to enable a detailed assessment.

Issue: Public interest

Response: Concern was raised that the proposal would be against the public interest as it would exhibit non-compliances with Waverley LEP 2012 and Waverley DCP 2022 and result in adverse impacts on the neighbouring property at 47 Blake Street. The proposal complies with the stipulated built form, open space and landscape controls and will not result in any adverse or unreasonable impacts on the streetscape or neighbouring properties. The proposal will not be contrary to the public interest.

Issue: Amended plans

Response: Upon review of the amended plans, a further submission was received from 47 Blake Street requesting that the first floor front façade be further set back by a couple of meters and for the height of the development to be reduced at the front of the site, as the proposal as amended would continue to result in adverse impacts on the amenity of 47 Blake Street with regard to views, privacy, sunlight access, visual amenity, a sense of enclosure. The proposal as amended demonstrates a first floor front setback which is compatible with the predominant front building line presented within the streetscape, and the proposal will also demonstrate compliance with the stipulated building height, FSR, wall height, and rear setback requirements. The development is below the maximum height control, and due to the rock outcrops present along the eastern boundary the development comprises a greater eastern boundary setback than the minimum requirement. As the proposal will be siting an ample distance below the property at 47 Blake Street, privacy and bulk and scale impacts will also be adequately minimised. The assessment has therefore not found that the proposal will not result in any unreasonable impacts on the amenity of 47 Blake Street, and requiring the development to adhere to more stringent specifications than the stipulated controls would be unreasonable in this instance.

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 referral comments were sought:

3.1. Traffic and Development

Council's Traffic Management Department raised no objection to the proposal subject to standard conditions of consent including with regard to the construction of the driveway.

3.2. Stormwater

Council's Stormwater Management Department raised no objection to the proposal subject to standard conditions of consent relating to flooding and stormwater management.

3.3. Tree Management

Council's Tree Management Department raised no objection to the proposal subject to conditions requiring tree protection measures to be implanted for trees within and around the site.

3.4. Land Information and GIS

Council's Land Information and GIS Department raised no objection to a condition confirming the identification of the lot and address post subdivision/boundary adjustment.

3.5. Ausgrid

The application was referred to Ausgrid who raised no objection to the proposed development subject to the development complying with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction work near existing electrical assets, including with regard to minimum clearances. A condition of consent has been included accordingly.

4. CONCLUSION

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


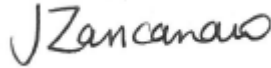
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 20 May 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, K Lucas and J Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
Karis Keenan	Jo Zancanaro
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 3 June 2025	Date: 12 June 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required	13.62% variation to lot size (Clause 4.1)	
	X	Pre-existing non-compliance
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
Waverley Council Data		
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Was there a 'Conflict of Interest' declared	No	

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																																
1.	APPROVED PLANS AND DOCUMENTATION																																																																
	The development must be in accordance with:																																																																
	(a) Architectural Plans prepared by Klaus Carson of Project No: 2306A including the following:																																																																
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA_0.01 Rev C</td><td>Cover Sheet and Project Information</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_0.11 Rev C</td><td>Site Plan and Analysis</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_0.13 Rev C</td><td>Concept Lot Subdivision Plan Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_1.01 Rev C</td><td>Ground Floor Level, Existing and Demolition</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_1.02 Rev C</td><td>Roof Level, Existing and Demolition</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_1.11 Rev C</td><td>Ground Floor Level Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_1.12 Rev C</td><td>First Floor Level Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_1.13 Rev C</td><td>Roof Plan Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_2.11 Rev C</td><td>North Elevation Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_2.12 Rev C</td><td>East Elevation Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_2.13 Rev C</td><td>South Elevation Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_2.14 Rev C</td><td>West Elevation Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_3.01 Rev C</td><td>Long Section 01 Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_3.02 Rev C</td><td>Section BB Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr><tr><td>DA_3.04 Rev C</td><td>Section DD Proposed</td><td>30 April 2025</td><td>20 May 2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA_0.01 Rev C	Cover Sheet and Project Information	30 April 2025	20 May 2025	DA_0.11 Rev C	Site Plan and Analysis	30 April 2025	20 May 2025	DA_0.13 Rev C	Concept Lot Subdivision Plan Proposed	30 April 2025	20 May 2025	DA_1.01 Rev C	Ground Floor Level, Existing and Demolition	30 April 2025	20 May 2025	DA_1.02 Rev C	Roof Level, Existing and Demolition	30 April 2025	20 May 2025	DA_1.11 Rev C	Ground Floor Level Proposed	30 April 2025	20 May 2025	DA_1.12 Rev C	First Floor Level Proposed	30 April 2025	20 May 2025	DA_1.13 Rev C	Roof Plan Proposed	30 April 2025	20 May 2025	DA_2.11 Rev C	North Elevation Proposed	30 April 2025	20 May 2025	DA_2.12 Rev C	East Elevation Proposed	30 April 2025	20 May 2025	DA_2.13 Rev C	South Elevation Proposed	30 April 2025	20 May 2025	DA_2.14 Rev C	West Elevation Proposed	30 April 2025	20 May 2025	DA_3.01 Rev C	Long Section 01 Proposed	30 April 2025	20 May 2025	DA_3.02 Rev C	Section BB Proposed	30 April 2025	20 May 2025	DA_3.04 Rev C	Section DD Proposed	30 April 2025	20 May 2025
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(b) Landscape Plan DA_4.01 Rev C prepared by Klaus Carson dated 30 April 2025 and received by Council on 20 May 2025.																																																																	
(c) BASIX and NatHERs Certificate/s																																																																	
(d) Arborist Report prepared by L Willis FLS Arboricultural Consultant dated 28 January 2025, and received by Council on 12 February 2025.																																																																	
(e) Draft Subdivision/Strata Plan prepared by Waterview Surveying Services received by Council on 20 May 2025.																																																																	
(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 3 January 2025.																																																																	
Except where amended by the following conditions of consent.																																																																	

	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2.	GENERAL MODIFICATIONS
	The application is approved subject to the following plan amendments;
	(a) Amended plans are to be provided which detail the first floor rear setback increased by a minimum of 1.3m so that it is consistent with the first floor rear setback at 39 Blake Street, Rose Bay and the first floor rear setback approved under DA-659/2024 for 45 Blake Street, Rose Bay. The area to the south of the first floor southern façade is to comprise a planter box and a non-trafficable roof only.
	Condition reason: To ensure the proposal maintains a compatible first floor rear building line.
	(b) Amended plans are to be provided which detail a planter box along the entire northern edge of the first floor terrace with a minimum internal width of 1m. To ensure landscaping does not result in any impacts on views across the site, the planter boxes around the terrace are to comprise low level landscaping to a maximum growth height at maturity of 1m when measured above the height of the planter box, with planting details provided on an amended landscape plan.
	Condition reason: To achieve greater compliance with the elevated terrace controls and reduce impacts on the streetscape and neighbouring properties.
	(c) Amended architectural plans and landscape plans are to be provided which detail the pedestrian entry path between the northern boundary and the northern façade to the garage on the ground floor to comprise stepping stones through landscaping. The hard stepping stones are to comprise no greater than 50% of the area. Condition reason: To increase the provision of soft landscaping forward of the building line in accordance with the Waverley DCP 2022 controls. 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.	DOMESTIC HEATERS
	The provision of solid fuel heating is prohibited. Condition reason: To protect air quality.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
4.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
5.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
6.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
7.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$36,570.14 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.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on</p>

	<p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
8.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
9.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
10.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
11.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
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.
	Condition reason: To ensure structural stability of work on site.
13.	STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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.
	<p>The submitted stormwater management plan prepared by Stormwater Engineers Pty Ltd, Sheet 1-9, Drawing No. 050824, Issue D, dated May 2025 are considered <u>concept only</u>.</p> <p>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <ul style="list-style-type: none"> (a) Permissible site discharge (PSD) is incorrectly calculated. The PSD must be limited to the maximum discharge from the site during the 20% AEP for a 5 minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign OSD and associated orifice accordingly. (b) The current orifice level of the OSD system is observed to be drowned/submerged, redesign to ensure the system is free draining above the Hydraulic Grade Line at the discharge point. (c) Details of any rainwater tank must be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system. (d) The rainwater tank must have a minimum capacity of 2500 litres and be connected to at least 125m² of roof area. (e) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. (f) Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes. (g) Any new downpipes must be located wholly within the property's boundary. (h) All connections to Council's below ground drainage system must occur at a stormwater pit. If no such pit exists adjacent to the site, then a new grated kerb inlet/access pit must be installed over the existing Council pipeline at the applicant's expense.

	<p>(i) The invert level of the stormwater discharge line connecting to Council's kerb inlet pit is at or above the top third of Council stormwater pipeline.</p> <p>(j) A non-return valve must be installed at the discharge point within the silt arrestor pit near the property boundary so that stormwater cannot surcharge back into the properties private stormwater system.</p> <p>(k) A long section of the connection to Council's infrastructure must be provided and its details included (e.g. the location of existing services being crossing with the clearances, existing surface levels, inverts and obverts of existing and proposed).</p> <p>(l) Council must be notified prior to any connection being made to Council's network and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection.</p> <p>(m) When pipes are connected into existing or proposed pits, the pipes shall be cut flush with the internal wall of the pit and the pipe should enter the pit perpendicular to the pit wall. All damages to the internal wall of the pit around the pipe connection must be fully repaired to Council's satisfaction.</p> <p>(n) A grated trench drain must be provided across the (garage entrance/driveway/street boundary) within the private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate are to be not less than 200mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain must be connected to the approved drainage system.</p> <p>(o) Any Council infrastructure affected as a 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 if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>Notes:</p> <p>i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions.</p> <p>ii. 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.</p> <p>iii. 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.</p> <p>iv. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.</p> <p>v. Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the</p>
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	Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.
	Condition reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.
14.	<p>FLOODING REQUIREMENTS</p> <p>The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.</p> <p>In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate:</p> <ul style="list-style-type: none"> (a) The amended flood risk management report to include the crest of the driveway providing access between the road and basement car- parking shall be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher. (b) The evacuation requirements of the development during flooding shall be considered in the updated Flood Risk Management Report. (c) Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding. <p>Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.</p>
15.	<p>PRE-CONSTRUCTION STORMWATER PIPE & PIT CCTV REPORT</p> <p>Prior to any works commencing, an internal CCTV inspection of Council's adjacent stormwater drainage lines is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator in line with Council's CCTV Inspection Scope document assessing the condition of the existing drainage lines adjacent to the site from pit ID. 06903 to pit ID. 06803. Council must be contacted for pit numbers prior to completion at assets@waverley.nsw.gov.au.</p> <p>The report must be dated and submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.</p> <p>Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.</p>
16.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p>

	Condition reason: To ensure BASIX and/or NatHERS requirements are met.
17.	SITE WASTE AND RECYCLING MANAGEMENT PLAN
	<p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
18.	CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)
	<p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Note: All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate otherwise.</p> <p>Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
19.	DILAPIDATION REPORT
	<p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> (a) 45 Blake Street, Rose Bay (b) 47 Blake Street, Rose Bay <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p>

	<p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
<p>20.</p>	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (c) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
21.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
22.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>

23.	TREES TO BE RETAINED AND PROTECTED					
	This schedule outlines which trees are approved for removal and replacement, or to be retained and protected.					
	Tree No.	Species	Height (m)	Location	Status	Action
	T1	<i>Howea forsteriana</i> (Kentia Palm)	7	Rear yard	Protected	Retain and protect
	Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.					
24.	PROTECTING TREES ON DEVELOPMENT SITES					
	<p>(a) All trees to be retained on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, Waverley Council's Development Control Plan 2022, and the tree protection and planting recommendations in the Tree Report prepared by Pip (Lester) Willis FLS, Date: 28/01/2025.</p> <p>(b) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant's expense.</p> <p>(c) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.</p>					
	Condition reason: To ensure trees remain unimpacted by construction.					
25.	TREE WORK					
	<p>(a) If any trees on the site or 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</p> <p>(b) If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.</p>					
	Condition reason: To ensure trees remain unimpacted by construction.					

DURING BUILDING WORK

	Condition
26.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
27.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
28.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
29.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p>

	Condition reason: To ensure building material is stored in an appropriate location.
30.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , Part 8 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
32.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.
33.	STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF
	Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following: (a) Adequate measures are undertaken to secure the party wall; and (b) Adequate measures are undertaken to ensure that the party wall is water proofed.
	Condition reason: To ensure the structural stability of the adjoining semi-detached dwelling's roof.
34.	VEHICULAR ACCESS – FINISHED LEVEL
	The internal finished level shall be constructed to match the longitudinal fall of Council's footpath. In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to be 50mm above the level of the back edge of the existing concrete footpath. Should the internal slab be poured incorrectly, Council may ask that internal alterations be made and the slab adjusted at the applicant's cost.

	Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.
35.	DRIVEWAY DESIGN
	<p>Prior to any alteration of the existing vehicle crossing, detailed engineering drawings of the new vehicle crossing and length of the laybacks between 45A Blake Street, ROSE BAY NSW 2029 and neighbouring properties on both sides shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.</p> <p>The drawings shall:</p> <ol style="list-style-type: none"> 1. Show details of the vehicle crossing proposed outside 45A Blake Street, ROSE BAY NSW 2029. 2. Accurately show the length of the Council's kerb and gutter remaining between the eastern side wing of the proposed driveway at 45 Blake Street, ROSE BAY NSW 2029 and the western side wing of the proposed driveway at 45A Blake Street, ROSE BAY NSW 2029. 3. Accurately show the length of the Council's kerb and gutter remaining between the western side wing of the existing driveway at 47 Blake Street, ROSE BAY NSW 2029 and the eastern side wing of the proposed driveway at 45A Blake Street, ROSE BAY NSW 2029.
	Condition reason: To ensure the new driveway is designed in such a way that minimises the loss of on street parking and overall driveway width on Council land.
36.	ACTIVITIES EXCLUDED WITHIN TREE PROTECTION ZONE (TPZ)
	<p>Activities excluded from the TPZ include but are not limited to:</p> <ol style="list-style-type: none"> (a) Stockpiling of bulk materials, spoil or fill (b) Machine excavation including trenching (c) Excavation for silt fencing (d) Cultivation (e) Preparation or disposal of chemicals, including preparation of cement products (f) Parking of vehicles and plant machinery (g) Refuelling (h) Dumping of waste (i) Wash down and cleaning of equipment (j) Lighting of fires (k) Soil level changes (l) Temporary or permanent installation of utilities and signs (m) Physical damage to the tree (n) Ground compaction
	Condition reason: To ensure precautions are taken when working near trees during construction.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
37.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
38.	<p>SUBDIVISION CERTIFICATE</p> <p>A Subdivision Certificate must be obtained from Council in accordance with of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.</p> <p>Condition reason: To ensure a Subdivision Certificate is issued prior to occupation or use of the development.</p>
39.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
40.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>Prior to the issue of any Occupation certificate, certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed as per the approved stormwater management plans.</p>
41.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER MANAGEMENT SYSTEM</p> <p>Prior to the issue of the final Occupation certificate, 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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.</p>

	<p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater management system that the 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: Ensure council are aware of the stormwater management systems on site and able to provide advice for any future or remedial works.</p>
42.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD) is not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.</p>
43.	<p>POST-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT</p> <p>A post-construction CCTV report must be prepared by an accredited operator in line with Council’s CCTV Inspection Scope document and submitted to Council, assessing the existing drainage line/s adjacent to the site from pit ID. 06903 to pit ID. 06803. The Assets team shall be contacted for pit numbers prior to completion.</p> <p>A post-construction dilapidation report including photographic evidence of internal conditions of the new pit following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.</p>

	<p>The reports will be used by Council to assess whether any damage has occurred to Council's stormwater assets associated with the works.</p> <p>The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the report and Council assets condition prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.</p>
44.	<p>ALLOCATION OF STREET NUMBER</p> <p>The subdivision of the properties/parcels has led to the following allocation of address site numbering:</p> <p>(h) No. 45A Blake Street for the east allotment - proposed Lot Y</p> <p>The primary address site number(s) for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point(s) and clearly visible from Blake Street.</p> <p>The primary address site number(s) shall be positioned on the site prior to the issue of the Occupation Certificate.</p> <p>Any variation to the above address numbering requires a new application for a change of street number and/or address to be lodged with Council.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
45.	<p>TREE PROTECTION MEASURES TO BE REMOVED</p> <p>All tree protection shall be removed prior to the issuing of the Occupation Certificate.</p> <p>Condition reason: To ensure that the tree can continue to grow post construction.</p>

OCCUPATION AND ONGOING USE

	Condition
46.	ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM
	An ongoing maintenance plan for the stormwater system is to be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.
	At a minimum, the system must be: <ul style="list-style-type: none"> (a) Kept clean and free from silt, rubbish and debris. (b) Be maintained so that it functions in a safe and efficient manner. (c) Not be altered without prior consent in writing of the Council.
	Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.
47.	ONGOING MAINTENANCE – 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.
	Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
8.	<p>SITE RECTIFICATION WORKS</p> <p>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.</p> <p>If the site is commenced to be developed and there is suspension in activity for 6months (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:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> Make the building/site safe and of an appearance acceptable to Council; Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. Council may call on any bank guarantee to cover the cost thereof.

	(b) 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.
9.	EXCAVATION TO BE LIMITED Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
10.	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.
11.	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.
12.	WORK OUTSIDE PROPERTY BOUNDARY This consent does not authorise any work outside the property boundary. Separate approval is required for any works outside the property boundary, with fees being paid where applicable.
13.	TREE MANAGEMENT GUIDELINES 2022 Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

ARCHITECTURAL DOCUMENTS

Site Plans & Compliance Diagrams					
DA_ 0.11	PLAN_SITE & ANALYSIS PLAN_PROPOSED	1:200	C		30.04.25
DA_ 0.12	PLAN_URBAN SETBACKS DIAGRAM_PROPOSED	1:500	C		30.04.25
DA_ 0.13	PLAN_CONCEPT LOT SUBDIVISION_PROPOSED	1:200	C		30.04.25
DA_ 0.14	PLAN_STORMWATER MANAGEMENT_PROPOSED	1:200	C		30.04.25

Plans, General Arrangement (Proposed)				
DA_ 1.11	PLAN_GROUND FLOOR LEVEL_PROPOSED	1:200	C	30.04.25
DA_ 1.12	PLAN_FIRST FLOOR LEVEL_PROPOSED	1:200	C	30.04.25
DA_ 1.13	PLAN_ROOF LEVEL_PROPOSED	1:200	C	30.04.25

Sections, General Arrangement					
DA_ 3.01	SECTION_SC '01' LONG SECTION_PROPOSED	1:200	C		30.04.25
DA_ 3.02	SECTION_SC 'BB' CROSS SECTION_PROPOSED	1:100	C		30.04.25
DA_ 3.04	SECTION_SC 'DD' CROSS SECTION_PROPOSED	1:100	C		30.04.25

Shadow Diagrams				
DA_ 4.21	SHADOW DIAGRAM_21 JUNE 2024_09AM EXISTING	1:200	C	30.04.25
DA_ 4.22	SHADOW DIAGRAM_21 JUNE 2024_10AM EXISTING	1:200	C	30.04.25
DA_ 4.23	SHADOW DIAGRAM_21 JUNE 2024_11AM EXISTING	1:200	C	30.04.25
DA_ 4.24	SHADOW DIAGRAM_21 JUNE 2024_12PM EXISTING	1:200	C	30.04.25
DA_ 4.25	SHADOW DIAGRAM_21 JUNE 2024_01PM EXISTING	1:200	C	30.04.25
DA_ 4.26	SHADOW DIAGRAM_21 JUNE 2024_02PM EXISTING	1:200	C	30.04.25
DA_ 4.27	SHADOW DIAGRAM_21 JUNE 2024_03PM EXISTING	1:200	C	30.04.25
DA_ 4.28	SHADOW DIAGRAM_21 JUNE 2024_09AM PROPOSED	1:200	C	30.04.25
DA_ 4.29	SHADOW DIAGRAM_21 JUNE 2024_10AM PROPOSED	1:200	C	30.04.25
DA_ 4.30	SHADOW DIAGRAM_21 JUNE 2024_11AM PROPOSED	1:200	C	30.04.25
DA_ 4.31	SHADOW DIAGRAM_21 JUNE 2024_12PM PROPOSED	1:200	C	30.04.25
DA_ 4.32	SHADOW DIAGRAM_21 JUNE 2024_01PM PROPOSED	1:200	C	30.04.25
DA_ 4.33	SHADOW DIAGRAM_21 JUNE 2024_02PM PROPOSED	1:200	C	30.04.25
DA_ 4.34	SHADOW DIAGRAM_21 JUNE 2024_03PM PROPOSED	1:200	C	30.04.25

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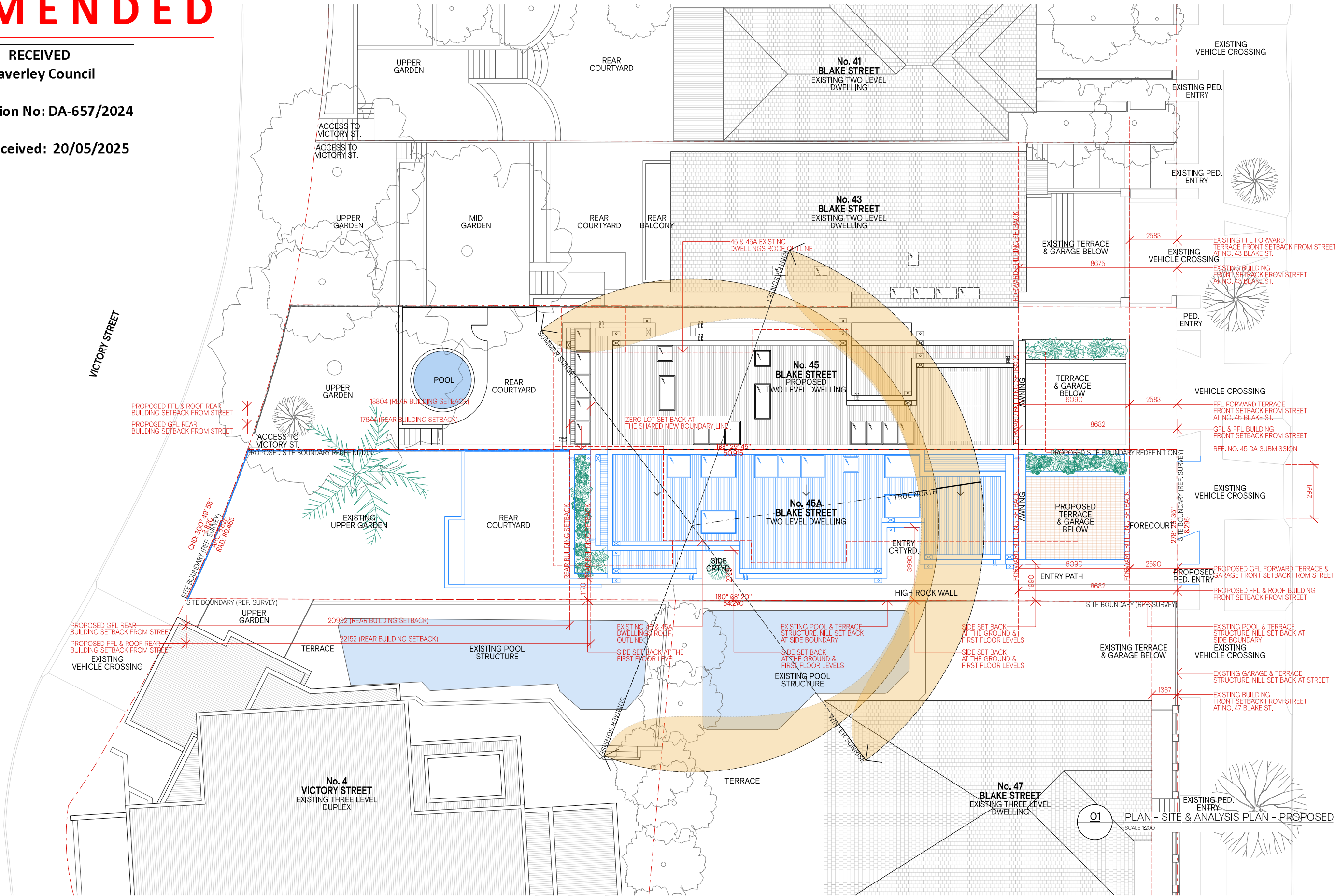
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										<div>RECEIVED</div> <div>Waverley Council</div>					<div>Application No: DA-657/2024</div>																			
<div>AMENDED</div>																																		

Date Received: 20/05/2025

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Waverley Council
Application No: DA-657/2024
Date Received: 20/05/2025

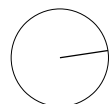


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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	OI	KC	27.11.24	APPROVAL / For Development Application
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C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:200@A3



0 2 4 M 288 6

Key / Legend

- FSR Proposed
- Proposed
- Demolition
- Dem. Overlay
- Existing

Project
JZ RESIDENCE
'NEW DWELLING'

Address
45A BLAKE ST.
ROSE BAY NSW 2029

Client
XENA ZIQUN ZHENG
& DANIEL JIANING LIU

Job No.
2306A

Drawing Title
PLAN SITE & ANALYSIS PLAN_
PROPOSED
Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_0.11

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RAIA No. 70298

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Waverley Council

Application No: DA-657/2024

Date Received: 20/05/2025

No. 41
BLAKE STREET
LOT No. A
DEPOSITED PLAN DP313433

No. 43
BLAKE STREET
LOT No. B
DEPOSITED PLAN DP313433

No. 45
BLAKE STREET
LOT No. X
DEPOSITED PLAN DP417596
AREA: 391.6 SQM
REF. TO No. 45 DA SUBMISSION

No. 45A
BLAKE STREET
LOT No. Y
DEPOSITED PLAN DP417596
AREA: 431.9 SQM
REF. TO No. 45A DA SUBMISSION

No. 4
VICTORY STREET
LOT No. B
DEPOSITED PLAN DP329866

No. 47
BLAKE STREET
LOT No. A
DEPOSITED PLAN DP329866

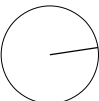
01 PLAN - CONCEPT LOT SUBDIVISION PLAN_PROPOSED
SCALE 1:200

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A	01	KC	27.11.24	APPROVAL / For Development Application
B	01	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	01	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:200@A3



0 2 4 M 289 6

Key / Legend

Existing Boundary Line

Proposed Boundary Line

Project
ZJ RESIDENCE
'NEW DWELLING'

Address
45A BLAKE ST.
ROSE BAY NSW 2029

Client
XENA ZIQUN ZHENG
& DANIEL JIANING LIU

Job No.
2306A

Drawing Title
PLAN_CONCEPT LOT SUBIVISION PLAN_PROPOSED
Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

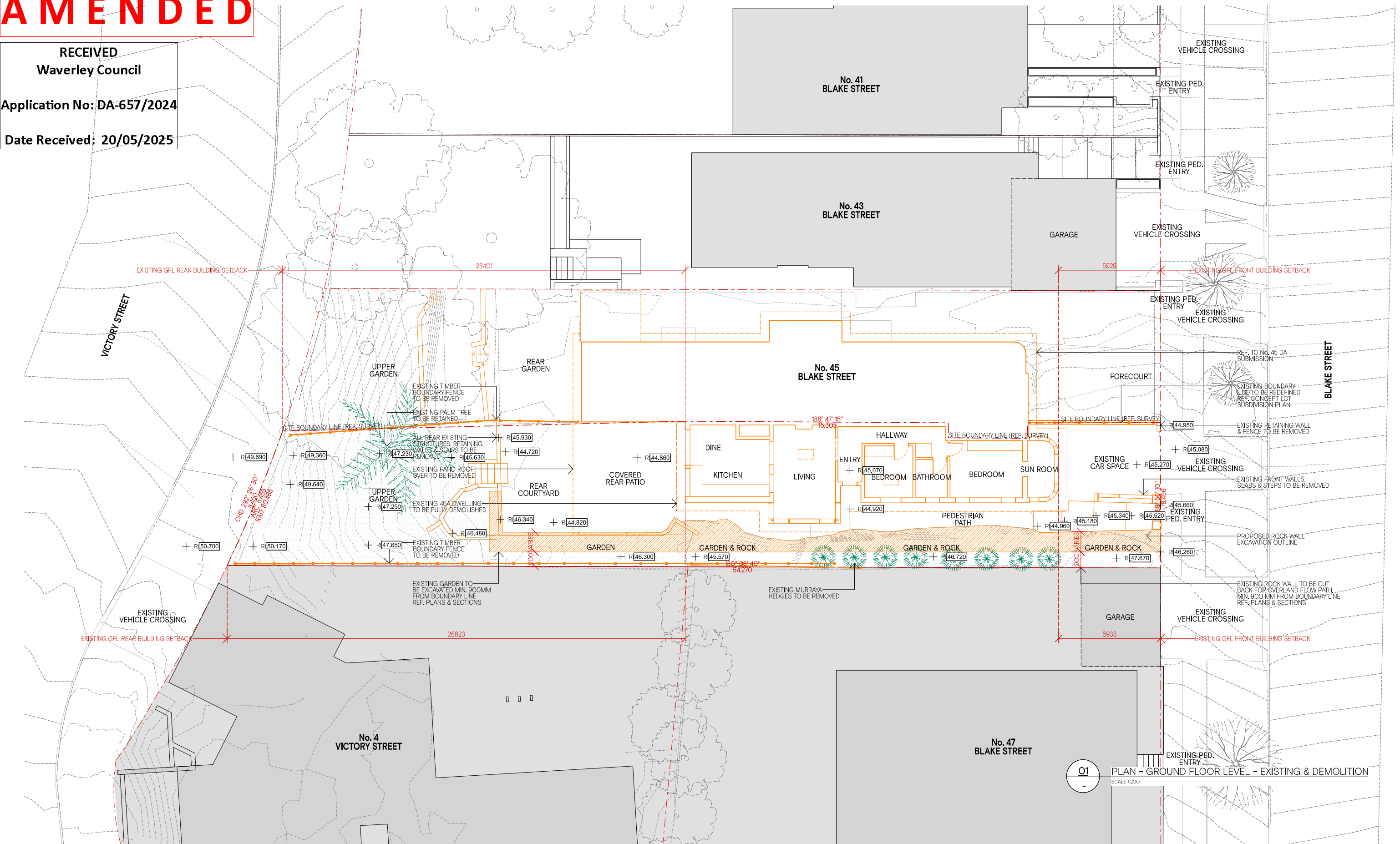
Revision
C

DWG#
DA_0.13

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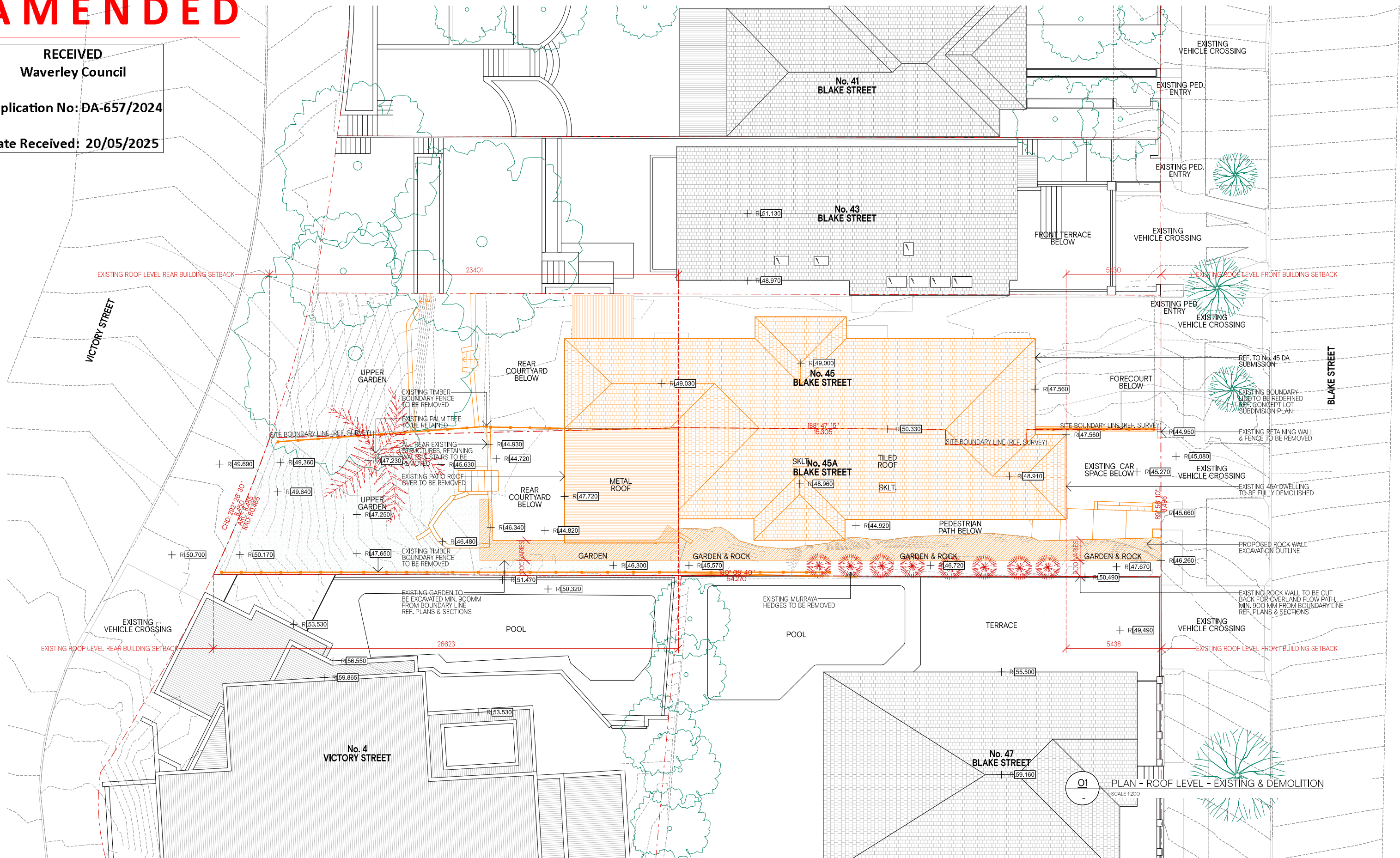
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Project
ZJ RESIDENCE
'NEW DWELLING'
Address
45A BLAKE ST.
ROSE BAY NSW 2029
Client
XENA ZIQUN ZHENG
& DANIEL JIANING LIU
Job No.
2306A

Architect
KLAUS CARSON
Architecture & Interiors

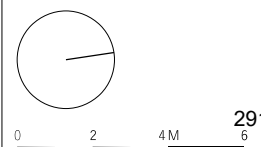
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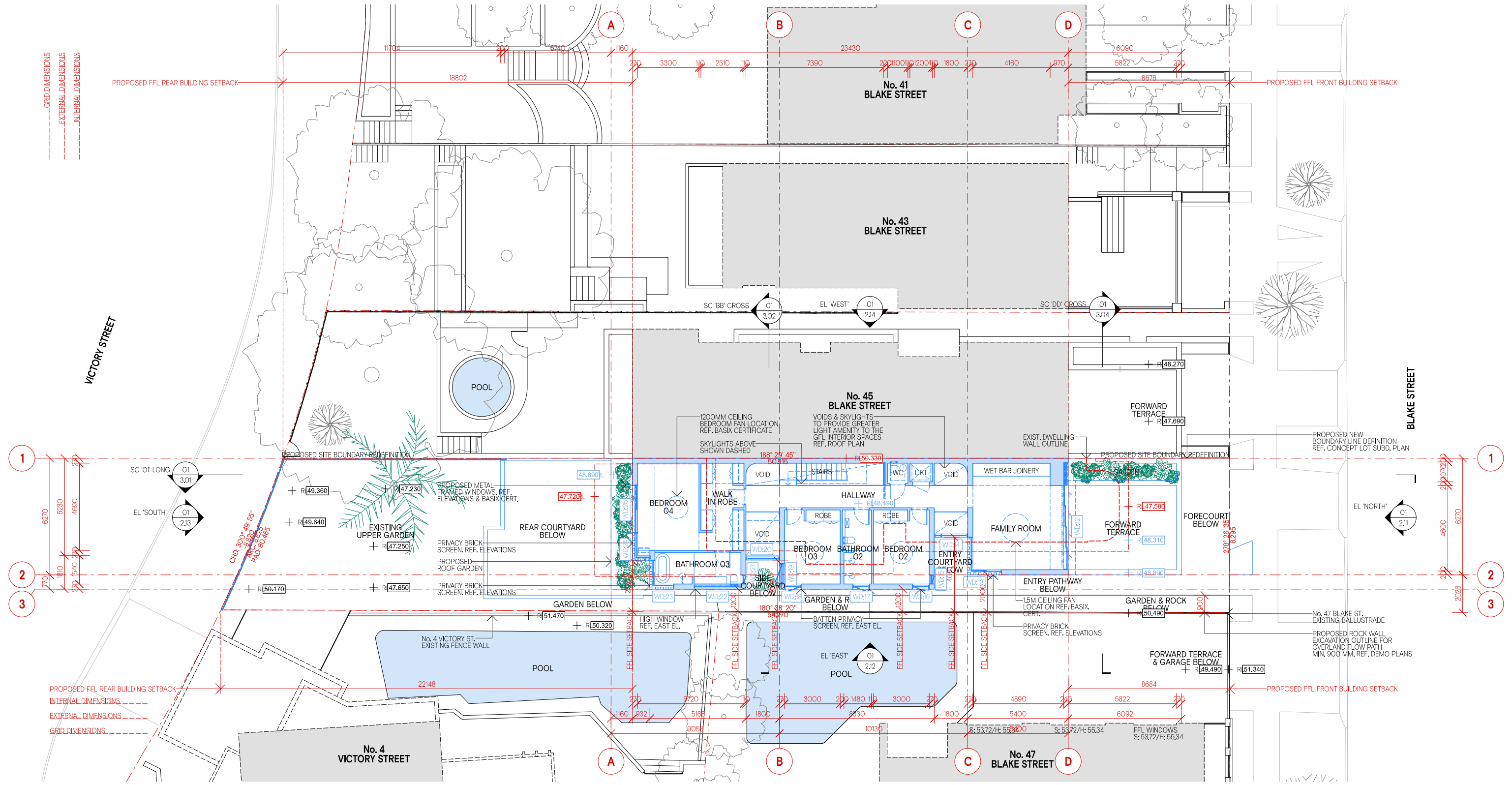
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Scale / North Point
1:200@A3

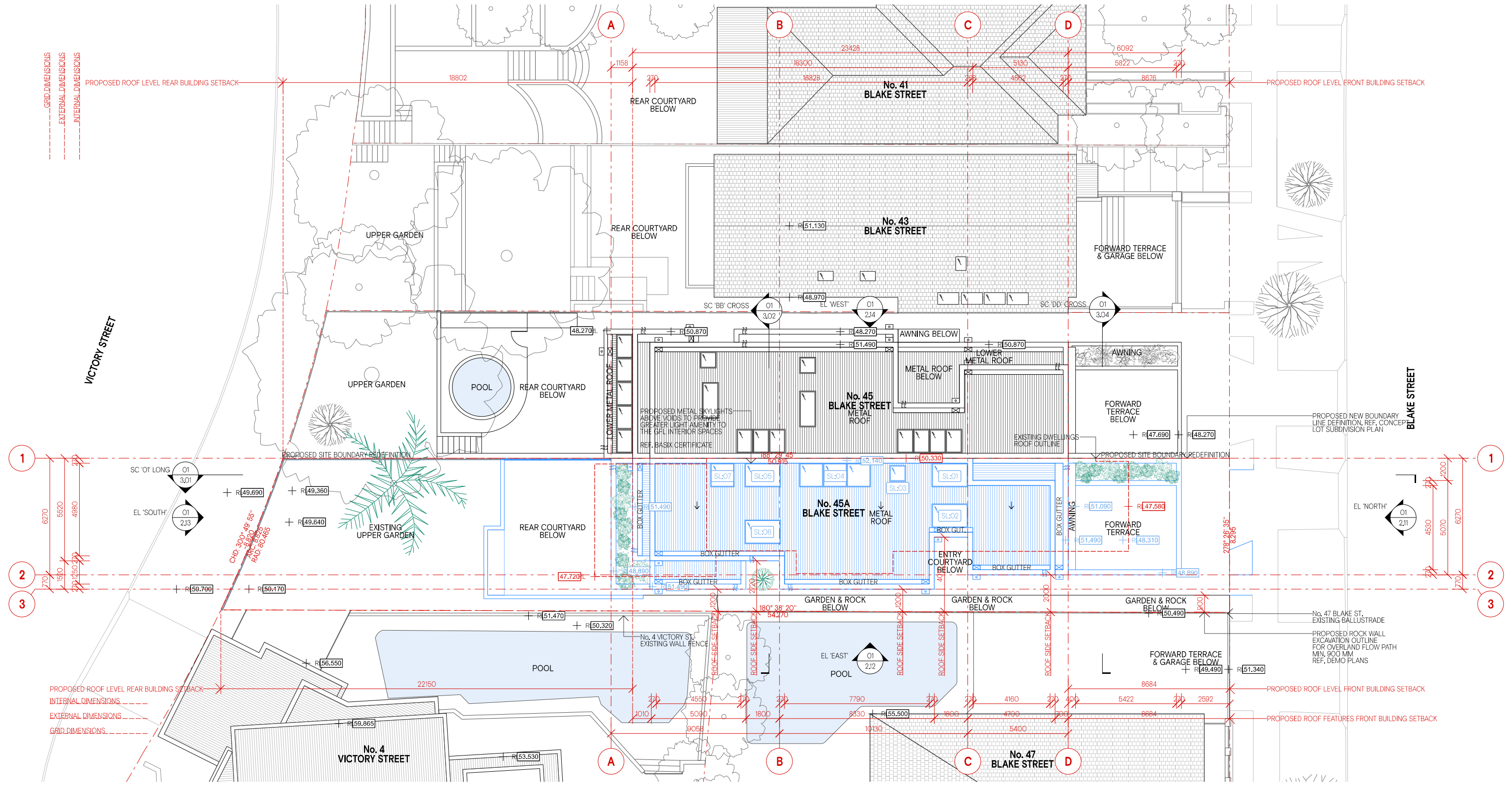


FSR Proposed
Proposed
Demolition
Demo. Overlay
Existing

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/
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Architect NSW ARB No. 10450
BAIA No. 70208



BASIX & NATHERS INFORMATION				THERMAL PERFORMANCE & MATERIAL COMMITMENTS				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY																	
BASIX CERT. NUMBER: 1773699S_03				TYPE		CONSTRUCTION		AREA (SQM)		INSULATION		TYPE		CONSTRUCTION		MAX. AREA (SQM)		TYPE		PRODUCT ID		GLASS & FRAME		Uw/SHGCw	
DATE OF ISSUE: 05.05.25				FLOOR		CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB		6		NOT SPEC.		FRAME		ALUMINIUM		111		GROUP A (AWNING, CASEMENT, ENTRY)		BRD_097_02 A		DOUBLE CLEAR, ALUMINIUM		2.4/0.42	
				FLOOR		SUSPENDED FLOOR ABOVE OPEN SUBFLOOR, HARD WOOD; FRAME: TIMBER_UNTREATED SOFTWOOD				NONE		GLAZING		SINGLE_GLAZED		3		GROUP B (SLIDING, FIXED)		AWS_089_08 A		DOUBLE CLEAR, ALUMINIUM		2.4/0.40	
ASSESSOR NUMBER: DMN/18/1851				FLOOR		ABOVE HABITABLE ROOMS OR MEZ, HARDWOOD; FRAME:TIMBER_UNTREATED SFORWOOD		103		FIBREGLASS BATTS/ROLL		GLAZING		DOUBLE_GLAZED		108		GROUP B (SLIDING TO GARAGE)		ALM_002_01 A		SINGLE CLEAR, ALUMINIUM		6.7/0.70	
NATHERS CERT. NUMBER: HR_HQ89R9_02				-		-		-		-								SKYLIGHTS (AS PER PLANS)		VEL_011_01 W		DOUBLE FIXED, ROOF LIGHT		2.6/0.24	
				GARAGE FLOOR		CONCRETE SLAB ON GROUND		29		NONE															
				EXTERNAL WALL		CAVITY BRICK. FRAME; FRAME:NO FRAME		ALL EXT. WALLS		FIBREGLASS BATTS/ROLL															
				EXTERNAL GARAGE WALL		CAVITY BRICK. FRAME; FRAME:NO FRAME		26		NONE															
				INTERNAL WALL		PLASTERBOARD. FRAME: TIMBER_UNTREATED SOFTWOOD		172		NONE															
				CEILING & ROOF		FLAT CEILING/FLAT ROOF, FRAMED		125		FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET															
						METAL ROOF, TIMBER UNTREATED SOFTWOOD																			

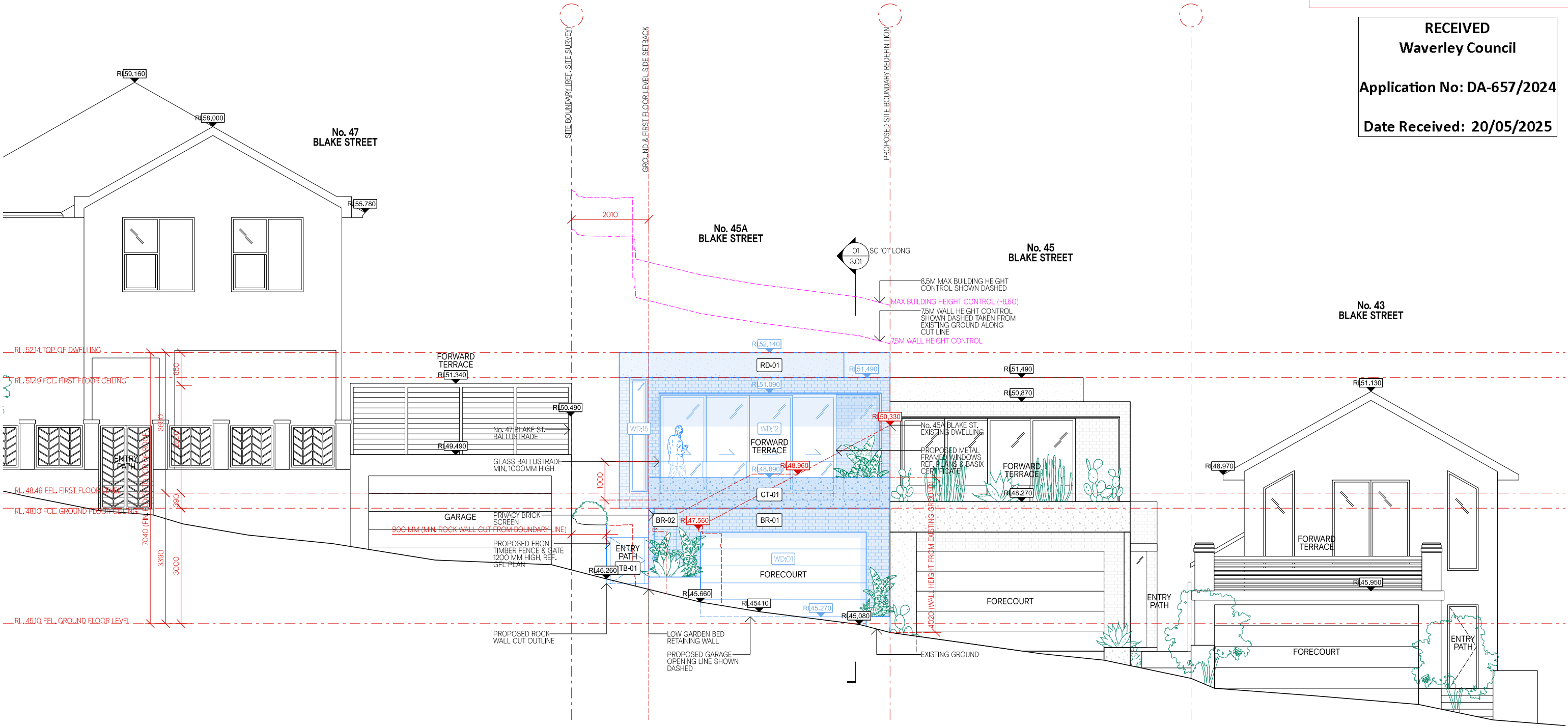


BASIX & NATHERS INFORMATION				THERMAL PERFORMANCE & MATERIAL COMMITMENTS				NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY									
BASIX CERT. NUMBER: 1773699S_03				TYPE		CONSTRUCTION		AREA (SQM)		INSULATION		TYPE		CONSTRUCTION		MAX. AREA (SQM)	
DATE OF ISSUE: 05.05.25				FLOOR		CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB		6		NOT SPEC.		FR.		ALUMINIUM		111	
				FLOOR		SUSPENDED FLOOR ABOVE OPEN SUBFLOOR, HARD WOOD; FRAME: TIMBER_UNTREATED SOFTWOOD				NONE		GL.		SINGLE_GLAZED		3	
ASSESSOR NUMBER: DMN/18/1851				FLOOR		ABOVE HABITABLE ROOMS OR MEZ, HARDWOOD; FRAME:TIMBER_UNTREATED SFORWOOD		103		FIBREGLASS BATTS/ROLL		GL.		DOUBLE_GLAZED		108	
NATHERS CERT. NUMBER: HR_HQ89R9_02				-		-		-		-							
				GARAGE FLOOR		CONCRETE SLAB ON GROUND		29		NONE							
				EXTERNAL WALL		CAVITY BRICK. FRAME; FRAME:NO FRAME		ALL EXT. WALLS		FIBREGLASS BATTS/ROLL							
				EXTERNAL GARAGE WALL		CAVITY BRICK. FRAME; FRAME:NO FRAME		26		NONE							
				INTERNAL WALL		PLASTERBOARD. FRAME: TIMBER_UNTREATED SOFTWOOD		172		NONE							
				CEILING & ROOF		FLAT CEILING/FLAT ROOF, FRAMED		125		FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET							
						METAL ROOF, TIMBER_UNTREATED SOFTWOOD											

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BASIX & NATHERS INFORMATION

BASIX CERT. NUMBER: 1773699S_03
DATE OF ISSUE: 05.05.25
ASSESSOR NUMBER: DMN/18/1851
NATHERS CERT. NUMBER: HR_HQ89R9_02

THERMAL PERFORMANCE & MATERIAL COMMITMENTS

TYPE	CONSTRUCTION	AREA (SQM)	INSULATION
FLOOR	CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB	6	NOT SPEC.
FLOOR	SUSPENDED FLOOR ABOVE OPEN SUBFLOOR, HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD		NONE
FLOOR	ABOVE HABITABLE ROOMS OR MEZ, HARDWOOD; FRAME: TIMBER, UNTREATED SFORWOOD	103	FIBREGLASS BATTS/ROLL
-	-	-	-
GARAGE FLOOR	CONCRETE SLAB ON GROUND	29	NONE
EXTERNAL WALL	CAVITY BRICK, FRAME; FRAME: NO FRAME	ALL EXT. WALLS	FIBREGLASS BATTS/ROLL
EXTERNAL GARAGE WALL	CAVITY BRICK, FRAME; FRAME: NO FRAME	26	NONE
INTERNAL WALL	PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD	172	NONE
CEILING & ROOF	FLAT CEILING/FLAT ROOF, FRAMED	125	FIBREGLASS BATTS/ROLL; FOIL BACKED BLANKET
-	-	-	-

NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY

TYPE	PRODUCT ID	GLASS & FRAME	Uw/SHGCw
GROUP A (AWNING, CASEMENT, ENTRY)	BRD_097_02 A	DOUBLE CLEAR, ALUMINIUM	2.4/0.42
GROUP B (SLIDING, FIXED)	AWS_089_08 A	DOUBLE CLEAR, ALUMINIUM	2.4/0.40
GROUP B (SLIDING TO GARAGE)	ALM_002_01 A	SINGLE CLEAR, ALUMINIUM	6.7/0.70
SKYLIGHTS (AS PER PLANS)	VEL_011_01 W	DOUBLE FIXED, ROOF LIGHT	2.6/0.24

General Notes

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A	OI	KC	27.11.24	APPROVAL / For Development Application
B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:100 @ A3

0 1 2 M 295 3

Key / Legend

- FSR Proposed
- Proposed
- Demolition
- Demo. Overlay
- Existing

Project
ZJ RESIDENCE
'NEW DWELLING'

Address
45A BLAKE ST.
ROSE BAY NSW 2029

Client
XENA ZIQUN ZHENG
& DANIEL JIANING LIU

Job No.
2306A

Drawing Title
ELEVATION_NORTH ELEVATION_
PROPOSED
Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_2.11

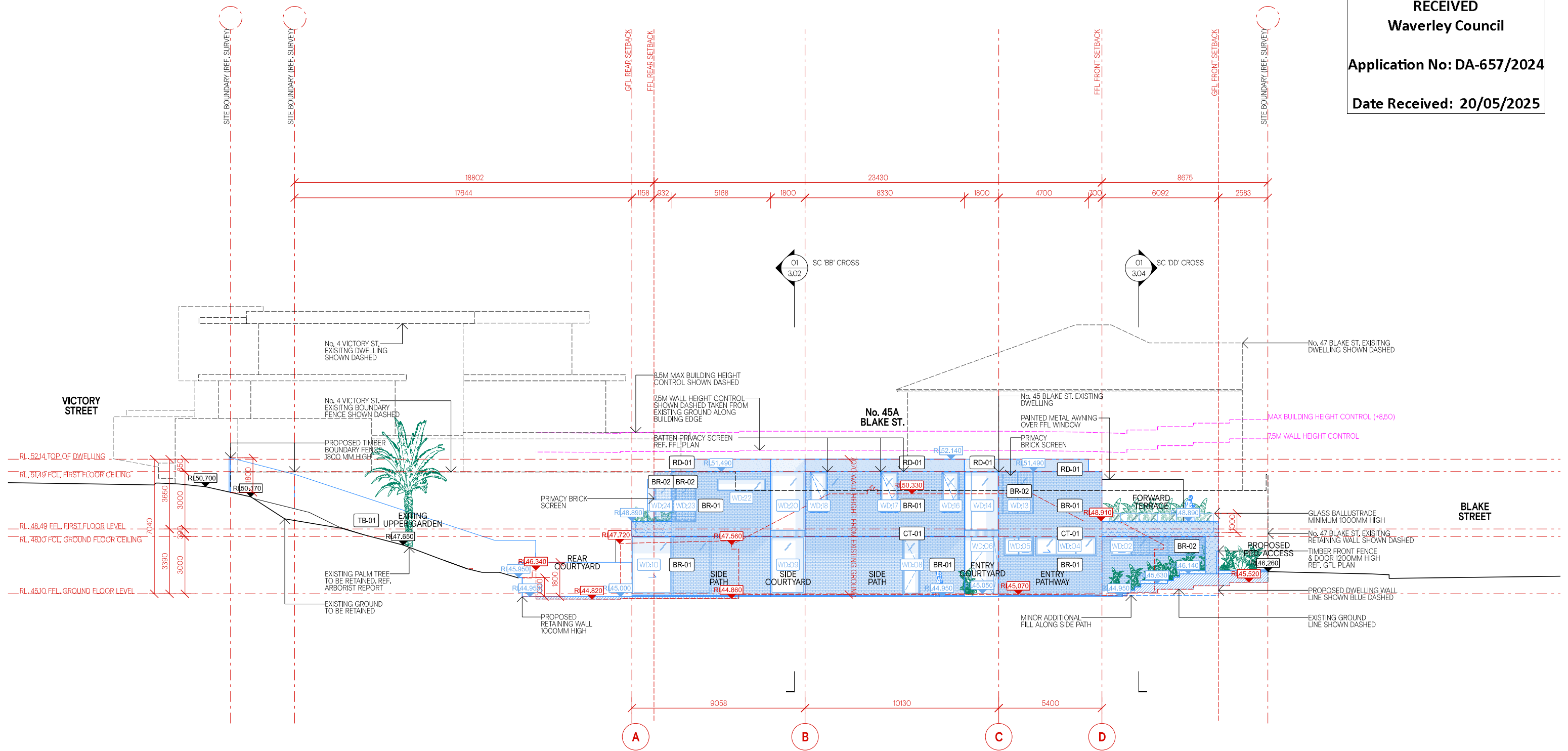
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KLAUS CARSON
Architecture & Interiors

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studio@klauscarson.com
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RAIA No. 70298

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Application No: DA-657/2024

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BASIX & NATHERS INFORMATION

BASIX CERT. NUMBER: 1773699S_03

DATE OF ISSUE: 05.05.25

ASSESSOR NUMBER: DMN/18/1851

NATHERS CERT. NUMBER: HR_HQ89R9_02

THERMAL PERFORMANCE & MATERIAL COMMITMENTS

TYPE	CONSTRUCTION	AREA (SQM)	INSULATION
FLOOR	CONCRETE SLAB ON GROUND, CONVENTIONAL SLAB	6	NOT SPEC.
FLOOR	SUSPENDED FLOOR ABOVE OPEN SUBFLOOR,		NONE
	HARD WOOD; FRAME: TIMBER, UNTREATED SOFTWOOD		
FLOOR	ABOVE HABITABLE ROOMS OR MEZ, HARDWOOD;	103	FIBREGLOSS BATTS/ROLL
	FRAME:TIMBER, UNTREATED SOFTWOOD		
-	-	-	-
GARAGE FLOOR	CONCRETE SLAB ON GROUND	29	NONE
EXTERNAL WALL	CAVITY BRICK, FRAME; FRAME:NO FRAME		FIBREGLOSS BATTS/ROLL
EXTERNAL GARAGE WALL	CAVITY BRICK, FRAME; FRAME:NO FRAME	26	NONE
INTERNAL WALL	PLASTERBOARD, FRAME: TIMBER, UNTREATED SOFTWOOD	172	NONE
CEILING & ROOF	FLAT CEILING/FLAT ROOF, FRAMED	125	FIBREGLOSS BATTS/ROLL; FOIL BACKED BLANKET
	METAL ROOF, TIMBER, UNTREATED SOFTWOOD	-	

NATHERS WINDOWS & SKYLIGHTS CONSTRUCTION SUMMARY

TYPE	PRODUCT ID	GLASS & FRAME	Uw/SHGCw
GROUP A (AWNING, CASEMENT, ENTRY)	BRD_097_02 A	DOUBLE CLEAR, ALUMINIUM	2.4/0.42
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GROUP B (SLIDING TO GARAGE)	ALM_002_01 A	SINGLE CLEAR, ALUMINIUM	6.7/0.70
SKYLIGHTS (AS PER PLANS)	VEL_011_01 W	DOUBLE FIXED, ROOF LIGHT	2.6/0.24

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C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

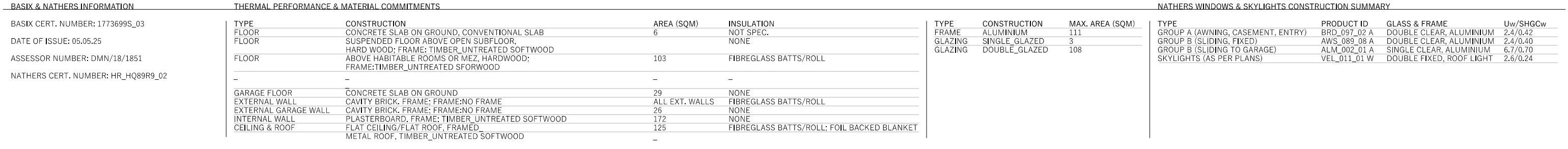
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Key / Legend

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Proposed
Demolition
Demo. Overlay
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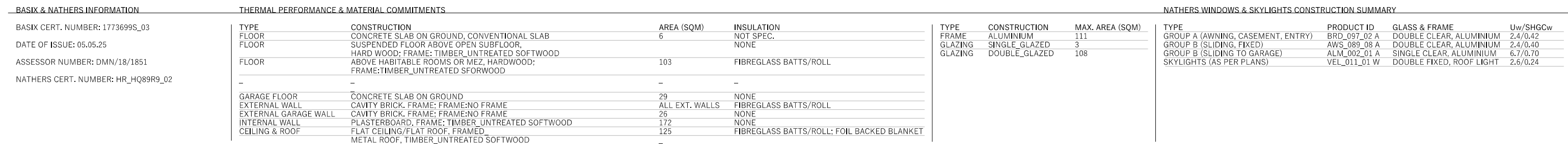
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'NEW DWELLING'Address
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ROSE BAY NSW 2029Client
XENA ZIQUN ZHENG
& DANIEL JIANING LIUJob No.
2306ADrawing Title
ELEVATION_EAST ELEVATION_
PROPOSED
Documentation Stage
DEVELOPMENT APPLICATIONDate
30.04.25Revision
CDWG#
DA_2.12Architect
KLAUS CARSON
Architecture & Interiors/
studio@klauscarson.com
/
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RAIA No. 70298

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Architect
KLAUS CARSON
Architecture & Interiors

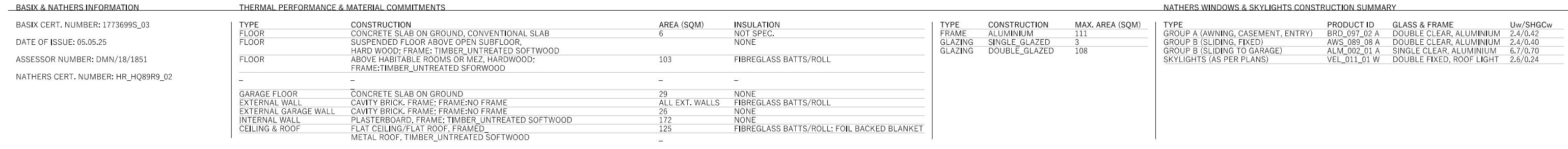
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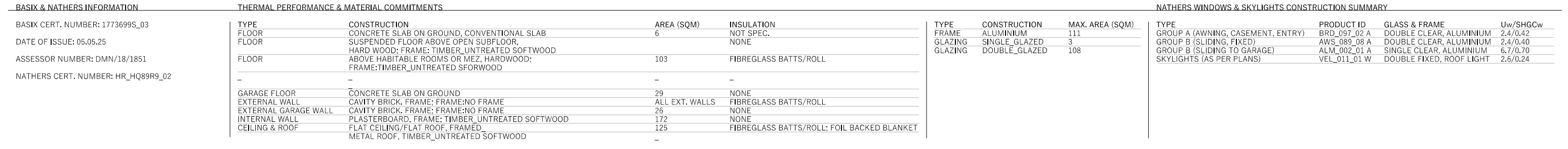
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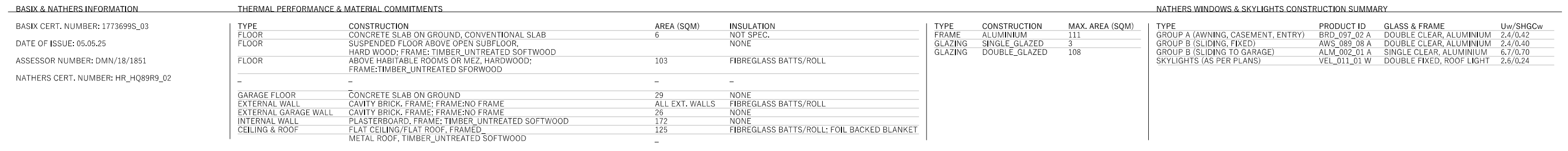
<div>General Notes</div> <div>/ All documentation & design is the copy right of the Architect. / Documents for Planning Approval only, not for construction. / All proposed works to comply with the NCC (BCA) and relevant Australian Standards.</div>	<div>Rev. Drw. Chk. Date</div> <div><div><div>-A</div><div>-B</div><div>-C</div></div><div><div>OI</div><div>OI</div><div>OI</div></div><div><div>KC</div><div>KC</div><div>KC</div></div><div><div>27.11.24</div><div>06.02.25</div><div>30.04.25</div></div></div>	<div>Status / Reason for issue</div> <div>APPROVAL / For Development Application</div> <div>APPROVAL / For Development Application, Council RFI</div> <div>APPROVAL / For Development Application, Council Deferral Letter</div>	<div>Scale / North Point</div> <div>1:200@A3</div> <div><div><div>0</div><div>2</div><div>4 M</div><div>6</div></div><div>299</div></div>	<div>Key / Legend</div> <div>FSR Proposed</div> <div>Proposed</div> <div>Demolition</div> <div>Demo. Overlay</div> <div>Existing</div>	<div>Project</div> <div>ZJ RESIDENCE</div> <div>'NEW DWELLING'</div> <div>Address</div> <div>45A BLAKE ST.</div> <div>ROSE BAY NSW 2029</div> <div>Client</div> <div>XENA ZIQUN ZHENG</div> <div>& DANIEL JIANING LIU</div> <div>Job No.</div> <div>2306A</div>	<div>Drawing Title</div> <div>SECTION_LONG SECTION '01'_</div> <div>PROPOSED</div> <div>Documentation Stage</div> <div>DEVELOPMENT APPLICATION</div> <div>Date</div> <div>30.04.25</div> <div>Revision</div> <div>C</div>	<div>Architect</div> <div>KLAUS CARSON</div> <div>Architecture & Interiors</div> <div>/</div> <div>studio@klauscarson.com</div> <div>/</div> <div>Klaus Carson Studio Pty Ltd © 2022</div> <div>Architect NSW ARB No. 10450</div> <div>RAIA No. 70298</div> <div>DWG#</div> <div>DA_3.01</div>
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Application No: DA-657/2024
Date Received: 20/05/2025



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Waverley Council
Application No: DA-657/2024
Date Received: 20/05/2025



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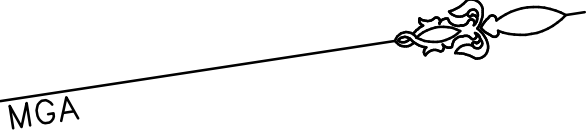
H611845 THE CROSS EASEMENTS ON THE COMMON BOUNDARY OF LOTS X AND Y IN DP417596 WILL BE TERMINATED ON DEMOLITION OF THE EXISTING PARTY WALL AND BY LODGEMENT OF A REQUEST FORM 11R

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Waverley Council

Application No: DA-657/2024

Date Received: 20/05/2025



VICTORY STREET

BLAKE STREET

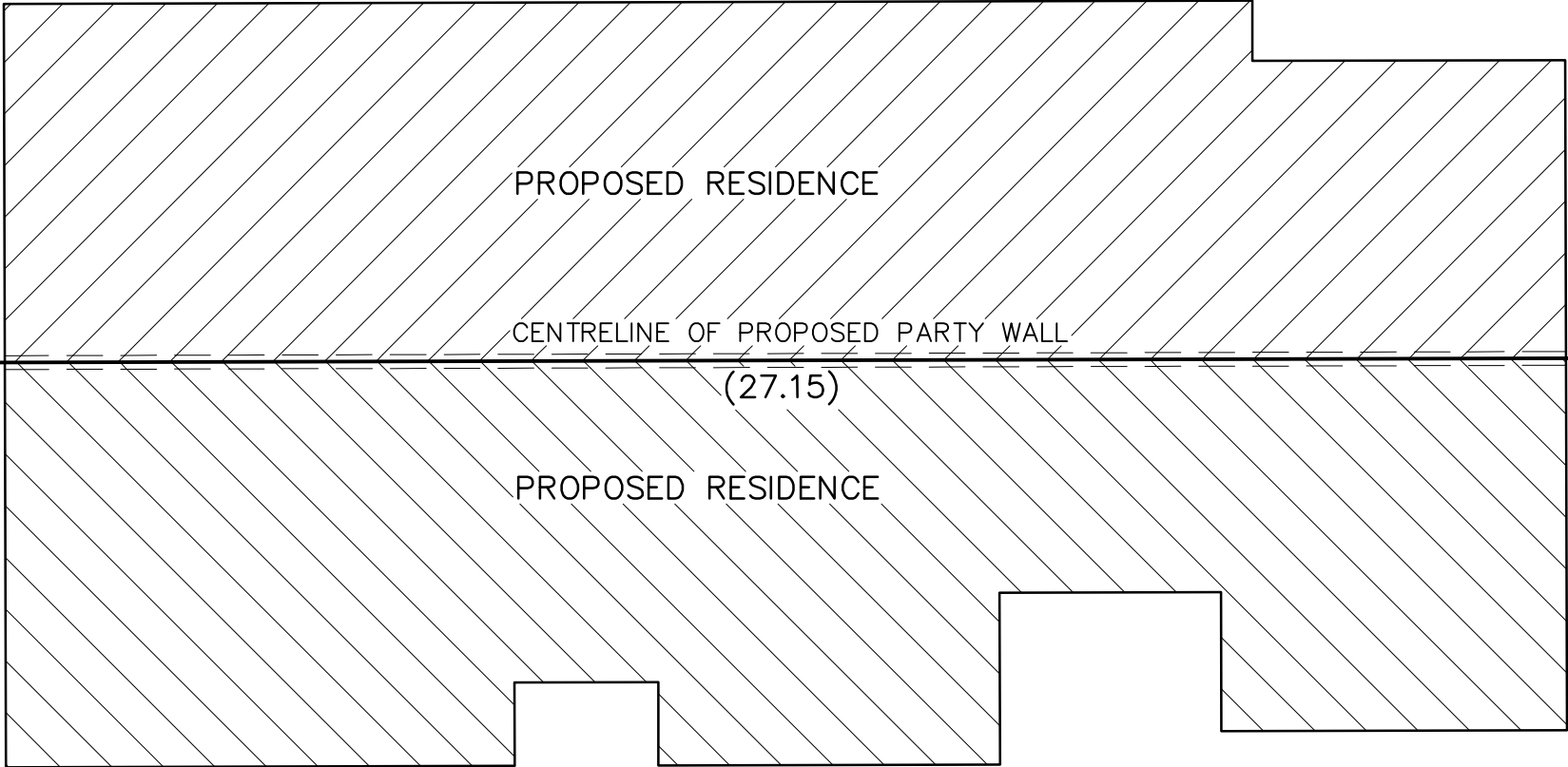
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CHD: 300°49'55" - 8.82
RAD: 80.465, ARC: 8.825

1
391.6 m²

2
431.9 m²

B
D.P.313433

A
D.P.329866



1A Mona Street Mona Vale NSW 2103
ACN 610 583 572
michael@wvsurveying.com.au
0474 843 180

SURVEYOR: Name: Date: Reference:	PLAN OF PROPOSED SUBDIVISION OF LOTS X AND Y IN DP.417596	LGA: WAVERLEY Locality: ROSE BAY Reduction Ratio: 1:125 Lengths are in metres	Registered	DRAFT PLAN AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO COUNCIL APPROVAL AND FINAL SURVEY
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RECEIVED
Waverley Council
Application No: DA-657/2024
Date Received: 06/05/2025

AMENDED

LANDSCAPING & OPEN SPACE CALCULATION:

OVERALL CONTROL

SITE AREA = 431.7 SQM

OPEN SPACE CONTROL = 0.4:1 (172.7 SQM)
OPEN SPACE PROPOSED = 0.57:1 (248.2 SQM)

PRIVATE OPEN SPACE CONTROL = 25.0 SQM
PRIVATE OPEN SPACE PROPOSED = 41.5 SQM

LANDSCAPING CONTROL = 0.20:1 (86.4 SQM)
LANDSCAPING PROPOSED = 0.40:1 (175.1 SQM)

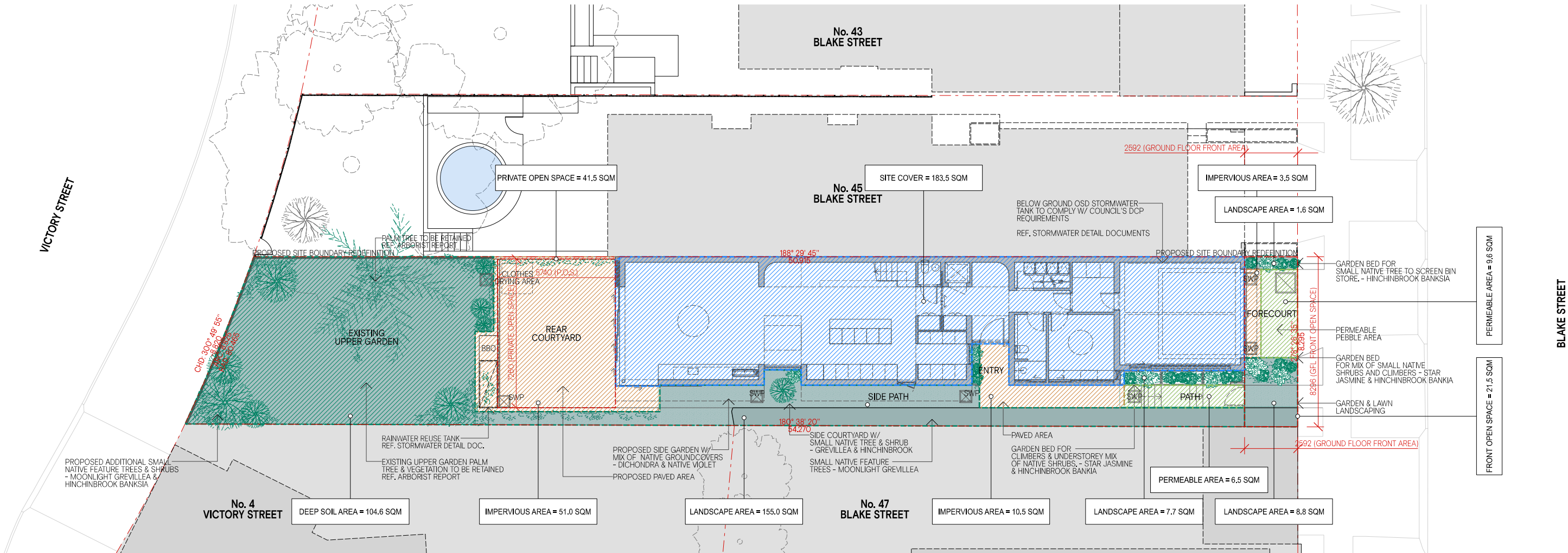
DEEP SOIL CONTROL = 0.10:1 (43.2 SQM)
DEEP SOIL PROPOSED = 0.24:1 (104.6 SQM)

FRONT CONTROL

AREA = 21.5 SQM

OPEN SPACE CONTROL = 0.5:1 (10.8 SQM)
OPEN SPACE PROPOSED = 1:1 (21.5 SQM)

LANDSCAPING CONTROL = 0.25:1 (5.4 SQM)
LANDSCAPING PROPOSED = 0.80:1 (20.0 SQM)



MOONLIGHT GREVILLEA
Type: Tree



Native: Yes

HINCHINBROOK BANKSIA
Type: Shrub



Native: Yes

STAR JASMINE
Type: Climber



Native: Yes

DICHONDRA
Type: Groundcover



Native: Yes

NATIVE VIOLET
Type: Groundcover



Native: Yes

MONDO GRASS
Type: Groundcover



Native: No

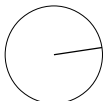
PLANT SCHEDULE:	Pot Size	M. Height
MOONLIGHT GREVILLEA 'Grevillea Moonlight'	45L	4-5M
HINCHINBROOK BANKSIA 'Banksia Plagiocarpa'	200MM	1-2M
STAR JASMINE 'Trachelospermum Jasminoides'	140MM	3-4M
DICHONDRA 'Dichondra Repens'	100MM	0-0.3MM
NATIVE VIOLET 'Viola Hederacea'	150MM	0-0.2MM
MONDO GRASS 'Ophiopogon Japonicus'	100MM	0-0.3MM

General Notes

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Rev.	Drw.	Chk.	Date	Status / Reason for issue
A	OI	KC	27.11.24	APPROVAL / For Development Application
B	OI	KC	06.02.25	APPROVAL / For Development Application, Council RFI
C	OI	KC	30.04.25	APPROVAL / For Development Application, Council Deferral Letter

Scale / North Point
1:200 @ A3



0 2 4 M 303 6

Key / Legend	Deep Soil
FSR Proposed	Open Space
Proposed	Landscape
Demolition	Permeable
Demo. Overlay	Impervious
Existing	

Project
ZJ RESIDENCE
'NEW DWELLING'
Address
45A BLAKE ST.
ROSE BAY NSW 2029
Client
XENA ZIQUN ZHENG
& DANIEL JIANING LIU
Job No.
2306A

Drawing Title
PLAN_LANDSCAPE PLAN_
GROUND FLOOR LEVEL
Documentation Stage
DEVELOPMENT APPLICATION

Date
30.04.25

Revision
C

DWG#
DA_4.01

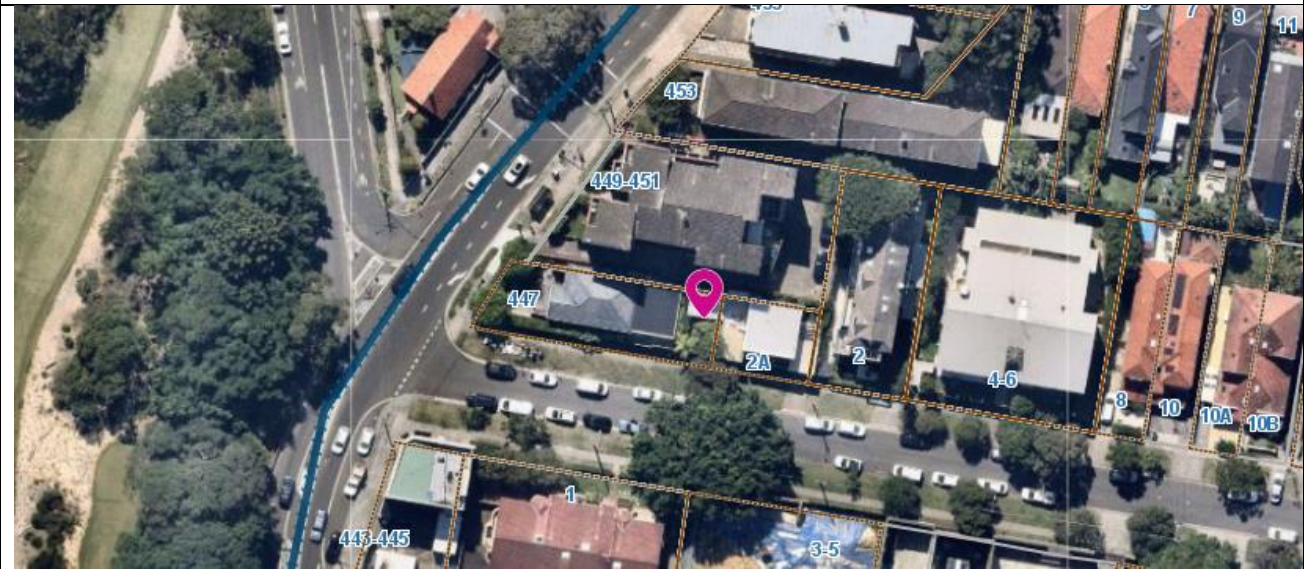
Architect
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Architect NSW ARB No. 10450
RAIA No. 70298



Report to the Waverley Local Planning Panel

Application number	DA-595/2024
Site address	447 Old South Head Road and 2A The Avenue, Rose Bay
Proposal	Demolition of existing buildings and construction of a new multi-dwelling housing with integrated parking and associated landscaping works
Date of lodgement	22 November 2024
Owner	Michelle Auraha 2A The Avenue Pty Ltd Robyne Pal P.O.A for Anthony Wilmers
Applicant	Rob Meyerson
Submissions	Nil
Cost of works	\$2,014,340.90
Principal Issues	<ul style="list-style-type: none"> Lot width non-compliance under SEPP (Housing) 2021 Height of Buildings non-compliance as per SEPP (Housing) 2021 Floor Space Ratio non-compliance as per SEPP (Housing) 2021
Recommendation	That the application be APPROVED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the demolition of existing buildings and construction of a new multi-dwelling housing development with integrated parking and associated landscaping works at the combined site known as No. 447 Old South Head Road and No. 2A The Avenue, Rose Bay.

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

- Non-compliance with the Height of Buildings (HOB) non-discretionary development standard, in accordance with Chapter 6 of the SEPP (Housing) 2021.
- Non-compliance with the Floor Space Ratio (FSR) non-discretionary development standard, in accordance with Chapter 6 of the SEPP (Housing) 2021.
- Non-compliance with the Lot Width non-discretionary development standard, in accordance with Chapter 6 of the SEPP (Housing) 2021.

The assessment finds these issues acceptable as the non-discretionary development standards, prescribed by the *State Environmental Planning Policy (SEPP) (Housing) 2021* (SEPP (Housing) 2021) are more restrictive than the *Waverley Local Environmental Plan (LEP) 2012* development standards. In addition, multi-dwelling housing development is permissible within the R3 Medium Density Residential zone and better conforms with the relevant objectives. As a result of Chapter 6 *Low and mid rise housing* (LMR) of the SEPP (Housing) 2021 coming into effect on 28 February 2025, a deferral letter was required for the Applicant to provide three Clause 4.6 reports to request a variation to the non-discretionary development standards under Clause 172 (3)(b)(d) and (e) of the SEPP (Housing) 2021.

Notwithstanding these non-compliances, the Waverley LEP 2012 allows for less restrictive development standards and when the application was lodged on 21 November 2024, the proposal complied with the Waverley LEP 2012 development standards. The submitted Clause 4.6 written justifications have been considered to adequately demonstrate that the objectives of the R3 Medium Density Residential zone under the Waverley LEP 2012 have been achieved. In addition, the Clause 4.6 written justifications relate to the non-discretionary development standards within Chapter 6 of the SEPP (Housing) 2021 and have been assessed in detail throughout this report.

The variation to the applicable non-discretionary development standards is largely the result of the SEPP (Housing) 2021 Low and mid-rise housing reforms (LMR) coming into effect after this Development Application was lodged. The development standards for height, floor space ratio and lot width are more restrictive than the Waverley LEP 2012 development standards. The extent of the variation conforms largely to that of a compliant development, in accordance with the WLEP 2012.

No submissions were received during the notification or assessment of this application. No Councillor submissions were received, and no conflicts of interest were raised by Council officers.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 24 April 2025.

The subject site is legally identified as Lot A and Lot B in DP 104130, known as 447 Old South Head Road and 2A The Avenue, Rose Bay, respectively.

The combined allotment is irregular in shape, located on the corner of Old South Head Road and The Avenue, with a frontage of 11.13m to the primary frontage, being Old South Head Road and has a combined secondary frontage to The Avenue of 54.215m. The subject site has a combined area of 590.5m² and falls from the northern (front) corner of the site (RL17.04) towards the south-western (rear) corner of the site (RL14.18) by approximately 2.86m.

No. 447 Old South Head Road is occupied by a single storey rendered dwelling house, used as a dental practice and ancillary studio with no vehicular access provided.

No. 2A The Avenue is occupied by a two storey rendered dwelling house with vehicular access provided via The Avenue.

The combined sites are adjoined by a four storey Residential Flat Building (RFB) to the north and a three storey RFB with basement parking to the east. Directly to the west of the site is Old South Head Road. The locality is characterised by a variety of medium density residential developments and is partially located within the Habitat Corridor and Rose Bay – Bondi 'Sand Body', in accordance with *Waverley Development Control Plan 2022* (WDCP 2022).

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



Figure 1: The Site (447 Old South Head Road)



Figure 2: The Site (2A The Avenue)



Figure 3: 443-445 Old South Head Road



Figure 4: 449-451 Old South Head Road and 447 Old South Head Road



Figure 5: Building separation between 449-451 Old South Head Road and 447 Old South Head Road



Figure 6: Rear elevation of neighbouring property at 449-451 Old South Head Road



Figure 7: Existing roof form of 447 Old South Head Road



Figure 8: Existing roof forms of 2A The Avenue

1.3. Relevant Development History

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

2A The Avenue, Rose Bay

- D-305/1997 was approved for the conversion of an existing factory to a single residential dwelling. After a search of Council's records, a consent has not been found providing the approval date.

- BA-811/1997 was approved on 19 February 1998 for the conversion of a factory to a single residential dwelling.
- DA-510/2006 was approved on 17 October 2006 for a change of use to professional consulting rooms.
- DA/510/2006/A was approved on 7 September 2010 for modifications to add a deck, internal reconfiguration, new fence and window changes of professional consulting rooms.
- DA/510/2006/B was refused on 14 November 2012 for modifications for a single storey ancillary building containing a staff room at the rear of the site and associated landscaping.
- BC-82/2012 was approved on 6 February 2013 for rear timber shed.

1.4. Proposal

The development application seeks consent for the demolition of existing buildings and construction of a new multi dwelling housing including four dwellings, with integrated parking and associated landscaping works, and specifically includes the following:

Ground Floor

- Each dwelling contains a kitchen living and dining room, a bathroom and stairs to access the upper level
- Unit 1 has a ground floor laundry room.
- One car space per dwelling within an integrated garage.

First Floor

- Each dwelling contains three bedrooms.
- Unit 1 has one bathroom.
- Units 2-4 have an ensuite, a bathroom and a laundry closet.
- Units 2-4 also have a balcony facing The Avenue.

Second Floor

- Unit 1 has a principle bedroom, ensuite, walk-in-robe and a desk.

1.5. Background

The development application was lodged on 21 November 2024 and deferred on 7 May 2025 for the following reasons:

1. Low and Mid-Rise Housing Reforms

The proposed development is located within 800m of the Rose Bay Town Centre, in accordance with the indicative Low and Mid-Rise Housing (LMR) map and therefore, Chapter 6 Low and Mid-Rise housing

within the *State Environmental Planning Policy (Housing) 2021* (SEPP (Housing) 2021) is applicable to the subject development.

Clause 172 (1)(c) and Clause 172 (3)(b)(d) and (e) within Part 3 *Attached dwellings, multi dwelling housing and multi dwelling housing (terraces)* of the SEPP (Housing) 2021 applies to this site, as the proposed is defined as multi dwelling housing (terraces). In accordance with these clauses, the proposal does not comply with the following non-discretionary development standards and therefore, a Clause 4.6 written request to vary the development standards was required to be submitted:

i. A minimum lot width at the front building line of 18m

The frontage of No. 447 Old South Head Road equates to 11.13m and therefore, does not comply with Clause 172 (3)(b) of the SEPP (Housing) 2021 which prescribes a minimum width at the frontage of 18m. The frontage width is 6.87m less than the required minimum lot frontage of 18m, which is a variation of 38.2%. A Clause 4.6 written request to vary this development standard has been submitted.

ii. A maximum floor space ratio of 0.7:1

The maximum allowable Floor Space Ratio (FSR) for the site is 0.7:1 (420m²) in accordance with Clause 172 (3)(d) of the SEPP (Housing) 2021. The proposed FSR is 0.89:1 or a GFA of 524.7m². Therefore, the GFA exceedance for the proposed development is 111.35m², which is a variation of 26.9%. A Clause 4.6 written request to vary this development standard has been submitted.

iii. A maximum building height of 9.5m.

The proposed building height is 10.82m and therefore, does not comply with Clause 172 (3)(e) of the SEPP (Housing) 2021 which prescribes a height development standard of 9.5m. The proposed overall height exceeds the maximum height development standard by 1.32m, which is a variation of 13.89%. A Clause 4.6 written request to vary this development standard has been submitted.

2. Waste Management

The subject development application was referred to Council's Waste Management team for review and comment. In accordance with the Waste Referral comments, additional information was requested from the applicant to provide consistency between the Waste Management Plan (WMP) and the Architectural plans regarding the number and capacity of waste bins. In addition, the applicant was advised that the bin storage located within the attached garage of each dwelling does not have sufficient space, in accordance with the *Waverley Development Control Plan 2022* (WDCP 2022).

3. Tree Management

The subject development application was referred to Council's Tree Management officer for review and comment. The following comments were provided to the applicant as part of the deferral letter

T1 and T2 - *Tristanopsis laurina* (Water Gum): both trees are mature, approximately 5 metre specimens in good health and structure, T1 is slightly larger than T2. The Arborist Report has recommended their removal due to their 'low landscape value', the Architectural plans also reflect their removal, however the Landscape Plans indicate T2's retainment.

The plans in their current form lack substantiated evidence as to why these trees cannot be retained and indicate that no works are to be carried out within proximity to the trees.

Council does not support the removal of these trees T1 and T2. Additional information is to be submitted justifying why these trees cannot be retained, for further consideration.

4. *Additional Information was requested in regards to the excavation and proposed strata subdivision.*

The amended plans and documentation received on 19 May 2025 form the basis of the assessment. The amended plans have relocated the spa bath within the front setback to retain trees T1 and T2, in accordance with the Tree Management Officer's assessment. Notwithstanding the relocation of the spa bath, a condition of consent has been included to delete the proposed spa bath within the front setback, in order to ensure the protection of Trees T1 and T2 to comply with the WDCP 2022, as discussed within this report.

2. ASSESSMENT

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

2.2. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Transport and Infrastructure) 2021

Table 1: Chapter 2 Infrastructure

Clause / control	Compliance	Comment
Subdivision 2 Development in or adjacent to road corridors and road reservations		
2.119 Development with frontage to classified road		Old South Head Road is identified as a classified Road.
<ul style="list-style-type: none"> <i>Vehicular access to be provided by a road other than a classified road where practicable and safe</i> 	Yes	The proposal provides vehicle access from a secondary road, and not from the classified road at Old South Head Road.
<ul style="list-style-type: none"> <i>No adverse affect as a result of vehicle access, smoke or dust from development, or from traffic generated by the development</i> 	Yes	The proposal will not result in a significant traffic impact due to its scale, and will not result in other impacts on the classified Road.
<ul style="list-style-type: none"> <i>Development not to be sensitive to traffic noise or emissions, and to be appropriately designed and located to ameliorate potential sensitivity</i> 	Yes	The proposed residential development is appropriate for the scale and traffic volume of Old South Head Road. No special design measures are required in these circumstances.

SEPP (Resilience and Hazards) 2021

The site and the subject premises have been operational, historically. There is no known history of contamination applicable to the site. The subject site has historically been used as a residential premises at No. 2A The Avenue and a 'medical consulting room' within a residential dwelling at No. 447 Old South Head Road. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

SEPP (Biodiversity and Conservation) 2021

The proposal involves the removal of three trees from the site to accommodate the proposed development.

The application was referred to Council's Tree Management officer and Biodiversity officer. As the proposed development lies within the identified biodiversity habitat corridor it must comply with DCP Section 3.3.2:

- a) *A minimum of 50% of the proposed trees, 50% of the proposed shrubs and 50% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must include a planting schedule that lists all plant species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in and cannot be counted towards the shrub requirement.; and*
- b) *Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.*

The landscaping plans prepared by Contour Landscape Architecture received by Council on 21 November 2024, do not comply with these controls. Council's Biodiversity Officer has reviewed the application and advised the landscape plans must be amended, via conditions, to comply with the abovementioned controls. The approval recommendation is conditioned accordingly.

SEPP (Housing) 2021

The proposed development is located within 800m of the Rose Bay Centre, in accordance with the indicative LMR map and therefore, Chapter 6 *Low and medium rise housing* within the SEPP (Housing) 2021, Clause 172 (1)(c), Clause 172 (3)(b)(d) and (e) within Part 3 *Attached dwellings, multi dwelling housing and multi dwelling housing (terraces)* applies to this site.

The SEPP (Housing) 2021 provides the following development standards for *multi dwelling housing* and *multi dwelling housing (terraces)*. The definition of *multi dwelling housing (terraces)* means *where all dwellings are attached and face, and are generally aligned along, 1 or more public roads*. This definition applies to the subject development.

Accordingly, this Division of the SEPP (Housing 2021), and the following clauses, apply to the assessment of this application.

Table 2: Clauses 172 and 173 of SEPP (Housing) 2021

Development Standard	Compliance	Planning Comment
172 Non-discretionary development standards – multi dwelling housing		
1) This section applies to development for the purposes of multi dwelling housing on land in a low and mid rise housing area in the following zones— a) Zone R1 General Residential, b) Zone R2 Low Density Residential, c) Zone R3 Medium Density Residential,	Yes	The subject site is zoned R3 Medium Density Residential and multi dwelling housing is permissible with development consent. The site does not contain a heritage item or draft heritage item and is located within 800m of the Rose Bay Town Centre.

Development Standard	Compliance	Planning Comment
d) Zone R4 High Density Residential		
2) The following non-discretionary development standards apply in relation to development for the purposes of multi dwelling housing (terraces)— a) A minimum lot size of 500m ²	Yes	The combined site area of No. 447 Old South Head Road and No. 2A The Avenue is 590.5m ² . Therefore, complies with this non-discretionary development standard.
b) A minimum lot width at the front building line of 18m	No	The lot width to Old South Head Road is 11.13m. The combined lot depth along The Avenue is 54.215m.
c) If no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 0.5 car parking spaces per dwelling,	Yes	Satisfactory. 1 car space per dwelling is proposed.
d) A maximum floor space ratio of 0.7:1.	No	The proposed maximum FSR is 0.89:1 (GFA = 524.7m ² . A Clause 4.6 written variation request has been submitted and is addressed below.
e) A maximum building height of 9.5m.	No	The proposed maximum height is 10.82m. A Clause 4.6 written variation request has been submitted and is addressed below.

A detailed discussion of the matters identified in the compliance table above in relation to the non-compliances with the SEPP (Housing) 2021 are addressed below under the Waverley LEP 2012 table of this report.

Design Excellence

The application was referred to the Waverley Design Excellence Advisory Panel (DEAP) on 12 March 2025. While the proposed development is not required to be considered against the Apartment Design Guide, the DEAP's comment of the proposed development against the nine design quality principles under the SEPP (Housing) 2021 and a planning response to each comment are set out in **Table 3** of this report.

Table 3: Nine Design Quality Principles under the SEPP (Housing) 2021

Principle 1: Context and Neighbourhood
<p>Council supports the development, which is reiterated in accordance with the comments of the DEAP below.</p> <p><i>The proposal is supported since it offers a well-considered urban and architectural design response, demonstrating good understanding of the site and its context. The 3-storey built form at then northern end of the site successfully marks this urban corner along the Old South Head Road corridor. The Panel considers the domestic scale and typology to be appropriate for the site and its setting.</i></p> <p>Planning comment: The proposed design introduces a distinct and contemporary architectural form, which will provide development that achieves a high standard of architectural design, materials and detailing appropriate to the building type and the streetscape. In addition, the three-storey dwelling, located on the corner of Old South Head Road and The Avenue accentuates the corner site.</p>
Principle 2: Built Form and Scale
<ul style="list-style-type: none"> • <i>The Panel supports the overall site planning, built form and massing outcomes for this project.</i> • <i>The Panel discussed about the built form interface to Old South Head Road, and notes that the northern most dwelling (Unit 1) partly creates subterranean habitable areas. The footpath levels along Old South Head Road are higher than the finished floor level (FFL) within the dwelling. The applicant should investigate appropriate strategies to reduce the apparent level change between the dwelling FFL and the corresponding public domain levels to a maximum level change of 1.2m. It would be beneficial for future residents if the FFL was raised, so the residents could enjoy outlook to the surrounding public domain while maintaining their internal privacy. Additionally, FFL when higher than the surrounding public domain will be beneficial in keeping water away from the structures of the dwelling.</i> • <i>While the Panel recognises that the dwelling FFLs are determined by the car driveway levels, the Panel further suggests the applicant could apply one or both of the below mentioned strategies:</i> <ul style="list-style-type: none"> ○ <i>Creating additional steps from Garage to the Living Area, subsequently to raise the Living/Kitchen/Dining FFL and/or</i> ○ <i>Creating a stepped gardens from the footpath edge to FFL of the dwelling.</i> <p>Planning comment: The proposed design introduces a distinct and contemporary architectural form, which will provide development that achieves a high standard of architectural design, materials and detailing appropriate for the building type and the streetscape, in order to improve the quality and amenity of the public domain. In addition, the three storey dwelling, located on the corner of Old South Head Road and The Avenue accentuates the corner site.</p> <p>In accordance with the private open space controls within Part C2 of the WDCP 2022, the levels within the front setback have been assessed and addressed against the relevant objectives and controls. Refer to Table 6 within this report. As a result of the topography of the site and the landscaped area within the front setback, the step down in levels is considered acceptable.</p>

The proposed Finished-Floor-Level of Unit 1 is adequate in terms of amenity and does not impact the solar access to the main living areas and private open space area within the north-western setback. In addition, there is direct access from the main living area to the private open space, with the same levels provided to the usable private open space area. This is considered to be acceptable.

Principle 3: Density

The Panel supports the proposed density at the site.

Principle 4: Sustainability

- *Council should satisfy itself that the following sustainability recommendations for delivering beyond the minimum BASIX requirements are incorporated by the applicant:*
 - *Ceiling fans to all living rooms and bedrooms as a low energy alternative.*
 - *Rainwater tank for water storage and reuse on the site.*
 - *Inclusion of appropriate photovoltaic systems for each dwelling.*

Planning comment: The plans include fans in all habitable rooms and PV cells on the roof. Rainwater tanks are also included in the plans as per the BASIX certificate. Notwithstanding, conditions of consent are included to ensure ceiling fans and rainwater tanks are included.

Principle 5: Landscape

- *The Panel supports the intimately-scaled courtyards/ rear gardens will provide the required landscape design relief within the scheme. Viability of the proposed natural turf in these locations could be problematic and the Panel recommends the applicant to consider these spaces as immersive landscape courtyards that include a combination of paving, built in seating and planting.*
- *Opportunities for creating green roofs should also be explored by the landscape architect. Additionally, strategies should be developed for irrigation, maintenance and green waste removal from any planting proposed over structures.*

Planning comment: The landscape plans were amended to relocate the spa bath located within the front setback to retain trees T1 and T2, in accordance with the Tree Management Officer's assessment. Notwithstanding, a spa bath proposed within the front setback and private open space area of Unit 1. The location of the spa pool within the front setback is situated closely to significant trees and landscaping on the site and therefore, is non-compliant with the swimming pool and spa pools objectives and controls within the WDCP 2022. A condition has been included to delete the spa bath.

Therefore, there is no excavation proposed for the spa bath, as it has been condition to be deleted from Unit 1's front yard.

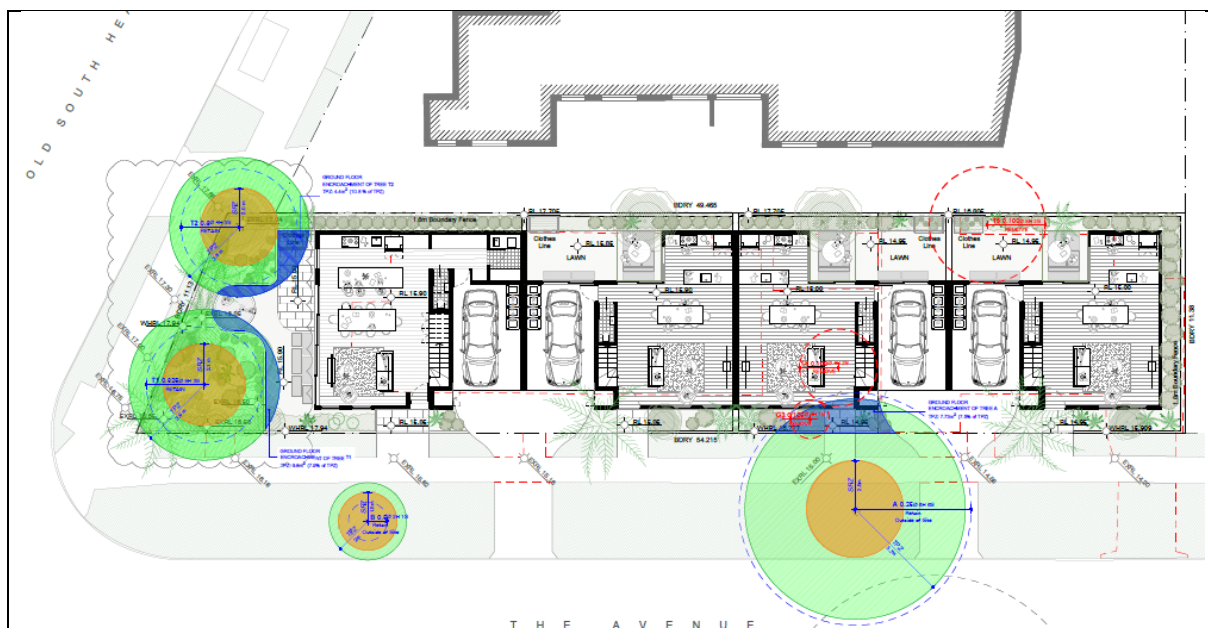


Figure 11: The amended landscape design, maintaining trees T1 and T2 within the front setback.

Principle 6: Amenity

- The ground floor plans requires further refinement to ensure that appropriate number of bins are accommodated (2 x bins as informed by Council at the briefing session) well integrated with either landscape or building design. The applicant should ensure the minimum car park clearances are achieved within the garage areas.

Planning comment: The Waste Management Plan was amended to demonstrate that the attached garages and bin storage areas are acceptable, in accordance with the Waste Management Officer's assessment.

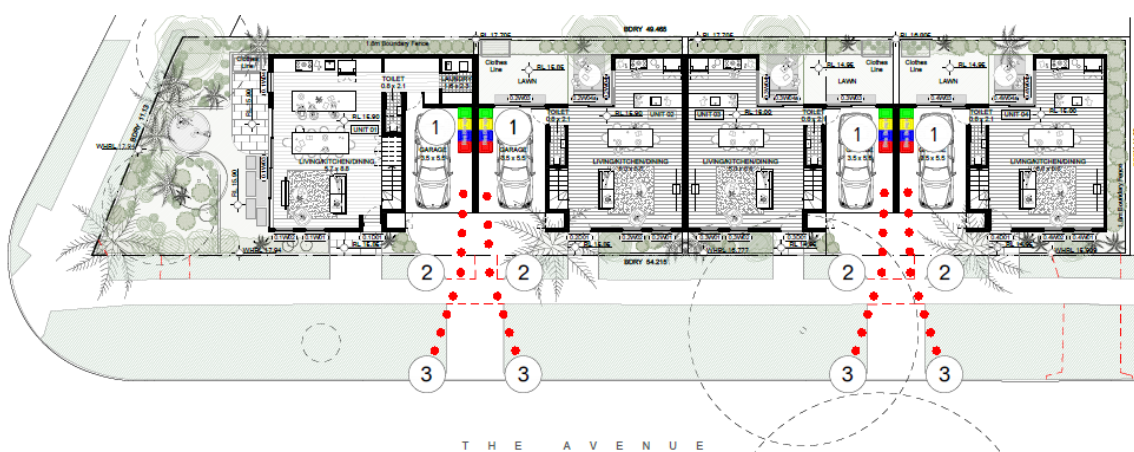


Figure 12: The amended waste management plan, demonstrating the garage accommodates for one car space and bin storage area.

Principle 7: Safety

No comments in relation to this principle.

Principle 8: Housing Diversity and Social Interaction
<i>No comments in relation to this principle.</i>
Principle 9: Aesthetics
<i>The Panel supports the thoughtful and well-resolved architectural expression considered by the applicant.</i>

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

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

Table 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as <i>multi dwelling housing</i> which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	Yes	The maximum building height is 10.82m however, refer to SEPP (Housing) 2021 non-discretionary development standards listed and assessed against above.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.9:1 • Max. GFA: 531.45m ²	Yes	The combined site area is 590.5m ² . The proposal has a total GFA of 524.7m ² , which totals an FSR of 0.89:1, complying with the allowable maximum FSR of 0.9:1. Notwithstanding, refer to SEPP (Housing) 2021 non-discretionary development standards, listed and assessed against above.
4.6 Exceptions to development standards	Yes	The application is required to be accompanied by Clause 4.6 reports for a variety of non-discretionary development standards in accordance with the SEPP (Housing) 2021.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is not a listed heritage item or located within a heritage conservation area.

Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	Satisfactory. The site is located within Class 5.
6.2 Earthworks	Yes	Satisfactory. Minor earthworks proposed to level out the site. Refer to accompanying Geotechnical Investigation and Acid Sulfate Soils Assessment report, prepared by STS Geotechnical Pty Ltd and dated September 2024.
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).
6.17 Affordable Housing Contributions	Yes (subject to conditions)	Satisfactory. The application was referred to Council's Strategic Planning team to assess against the affordable housing contributions clause. A condition of consent is recommended to require the applicant to make monetary contribution for the purposes of affordable housing in accordance with the Waverley Affordable Housing Contribution rates.

The following is a detailed discussion of the Clause 4.6 matters identified in the compliance tables above in relation to the non-compliances with the SEPP (Housing) 2021.

Clause 4.6 Exceptions to Development Standards - Lot Width

The application seeks to vary Clause 172 (3)(b) of the SEPP (Housing) 2021 in relation to the Lot width non-discretionary development standard.

The site is subject to a minimum lot width non-discretionary development standard of 18m. The subject site has two frontages, being Old South Head Road, which has a width of 11.13m and The Avenue, which has a combined frontage of 54.215m. The variation to the lot width control, prescribed by the SEPP (housing) 2021, to Old South Head Road is 6.87m or 38.2%.

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 lot width non-discretionary development standard on the following basis:

- (i) *The subject site has a more than compliant lot width at the front building line to The Avenue of 54.215m. The frontage to The Avenue is considered to be the primary front building line, because all four proposed terraces face The Avenue and have their main entrances from that street.*
 - (ii) *It should be noted that the frontage to Old South Head Road is designed as a secondary frontage. Only one of the four dwellings has a frontage to Old South Head Road, and given the busy and noisy nature of that roadway, that dwelling only presents a side elevation.*
 - (iii) *The development will positively relate to the public domain when viewed from the Old South Head Road and The Avenue, with a well-articulated built form. Notably, the proposal is supported by Council's Design Excellence Advisory Panel.*
 - (iv) *There are no opportunities for the applicant to increase their landholding in order to expand the lot width on Old South Head Road.*
 - (v) *To enforce strict compliance with the non-discretionary lot width standard of the SEPP would therefore sterilise the site. On this basis, it would be unreasonable to quarantine the site for a very minor non-compliance, especially since the site has a compliant and in fact significantly more than compliant lot width to the principal site frontage facing The Avenue.*
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) *Enabling the development of diverse housing types, including purpose-built rental housing.*
 - (ii) *Encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability.*
 - (iii) *Ensuring new housing development provides residents with a reasonable level of amenity.*
 - (iv) *Promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.*
 - (v) *Minimising adverse climate and environmental impacts of new housing development.*
 - (vi) *Reinforcing the importance of designing housing in a way that reflects and enhances its locality.*
 - (vii) *Supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use.*
 - (viii) *Mitigating the loss of existing affordable rental housing.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.
- (i) *Firstly, the site is a corner allotment, so it has two frontages. The primary frontage of the development is to The Avenue, which has a lot width in excess of 50m, well over the*

minimum 18m non-discretionary standard of LMR. The only reason there is a Clause 4.6 Variation for lot width is because the site has a secondary frontage to Old South Head Road.

- (ii) There are no opportunities for the applicant to increase their landholding in order to expand the lot width on Old South Head Road. As shown in **Figure 9**, the site is flanked by residential flat buildings and as such, are already developed properties which could not be included into the subject DA.*



Figure 9: The subject site, on a corner allotment, in comparison to the surrounding development

- (iii) As indicated, the proposed multi-dwelling housing development is compliant with the development standards prescribed by the Waverley LEP, which were the only development standards that were relevant at the time the DA was lodged.*
- (iv) Multi dwelling housing is permitted in the R3 Medium Density Zone, irrespective of LMR. The LEP prescribes a maximum FSR of 0.9:1 and height of 12.5m for the subject site, which generally envisages three to four storey medium density residential development. The proposal is compliant with these development standards and achieves a built form that is consistent with the desired future character of the area.*
- (v) The proposal is permissible in the zone, is consistent with the relevant zone objectives and satisfies an ‘unreasonable and unnecessary’ test established in Wehbe. The contemporary multi-dwelling housing (terraces) increases the supply of housing on a site that is well-suited to greater density, positively contributes to the local housing stock and character, and is of a similar scale to both existing and desired future developments in the area.*
- (vi) As indicated, the DA for this proposal was lodged prior to the release of LMR, but was not determined. Thus, the DA was prepared to be fully compliant under the development standards prescribed by the Waverley LEP. This Clause 4.6 Variation has only arisen because the LMR does not contain a savings provision for DAs that had been lodged but not*

determined at the date of gazettal. Therefore, it is simply a technical variation and an unintended consequence of the LMR

- (vii) The proposal is not a substantive departure from the planning intent or built form objectives anticipated under the LMR. In fact, to strictly enforce the minimum lot width on the secondary frontage under LMR rather than the LEP would only result in a loss of housing on the site, which is not the intention of the Housing SEPP.*
- (viii) It should also be noted that the proposal improves the amenity of the subject site while maintaining the amenity of neighbouring development; achieves the objectives of the R3 Medium Density Zone and the relevant DCP built form and amenity provisions; and results in an improved streetscape outcome for the site.*

Consideration of Applicant's Written Request – Clause 4.5(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 and the Applicant specifically relies upon justification of *Wehbe v Pittwater Council* (2007) 156 LGERA 446], by demonstrating that the subject site has a more than compliant lot width at the front building line to The Avenue of 54.125m. The frontage to The Avenue is considered to be the primary front building line, because all four proposed terraces face The Avenue and have their main entrances from that street. It should be noted that the frontage to Old South Head Road is designed as a secondary frontage. Only one of the four dwellings has a frontage to Old South Head Road, and given the busy and noisy nature of that roadway, that dwelling only presents a side elevation, which is consistent and characteristic of surrounding lot sizes in the locality.

The proposed multi dwelling housing development will not result in any measurable and discernible amenity impacts to the neighbouring properties or the locality. The proposal will be aligned with the surrounding built forms within the vicinity, which consists of RFB's and dual occupancies, as well as some commercial premises on the southern side of The Avenue. The applicant's justification successfully argues that the variation to the non-discretionary development standards is acceptable.

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 multi dwelling housing development is compatible with the surrounding locality. The proposed multi-dwelling housing development will facilitate residential development in a compatible and likely built form of terraces with minimal environmental impacts to the neighbouring properties or the locality. The development and Strata Subdivision, as proposed, is acceptable and will increase the residential dwelling density of the site and provide for the housing needs of the community in the future, which is favoured within the R3 Medium Density Residential zone.

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds used to justify the breach are well-considered and sound.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the lot width non-discretionary development standard and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out.

The LMR within SEPP (Housing) 2021 does not provide objectives for non-discretionary development standards. The object of Clause 172 is to identify development standards for particular matters. As such, the development standards are considered 'do not refuse' standards if met.

Notwithstanding, the proposal does not meet the minimum standards in relation to lot width and as such, the consent authority could refuse the application if warranted. The site is sufficiently sized to provide acceptable open space, landscaping and deep soil with adequate separation distances from surrounding properties. The proposal will not result in unacceptable amenity impact upon surrounding properties including privacy, view and overshadowing impacts. In this regard, the lot width variation is considered to allow a reasonable development for the site within the locality.

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

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal is consistent with the relevant zone objectives in that it contributes to the variety of housing types providing for the housing needs of the community. The proposal increases dwelling density by providing four dwellings on the site and provides affordable housing within the locality. As discussed throughout this report, the proposal is compatible with the desired future character and amenity of the surrounding neighbourhood. The proposal promotes the use of public transport and alternative modes of transport by not exceeding the maximum parking rates of the SEPP (Housing) 2021 and the DCP.

Conclusion

For the reasons provided above, the requested variation to the lot width along Old South Head Road is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with Clause 172 of SEPP (Housing) 2021 and the R3 Medium Density Residential zone.

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

The application seeks to vary Clause 172 (3)(d) of the SEPP (Housing) 2021 in relation to the FSR non-discretionary development standard.

The site is subject to a FSR non-discretionary development standard of 0.7:1, in accordance with Chapter 6 Low and Mid-Rise Housing of the SEPP (Housing) 2021. The subject development proposes an FSR of 0.89:1 with a GFA of 524.7m². The variation to the SEPP (Housing) 2021 FSR development standard is 111.35m² or 26.9%.

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 floor space ratio non-discretionary development standard on the following basis:

- (j) *The proposal has a Gross Floor Area (GFA) of 524.7m² and FSR of 0.89:1. This varies from the LMR by 111.35m² or 26.9%. However, it is critical to note that in accordance with the Waverley LEP 2012, an FSR of 0.9:1 applies to the subject site, meaning the proposal is fully compliant with the LEP.*
- (ii) *Flexibility is sought in the application of the FSR development standard to the proposed development in the circumstance of this particular case. The non-compliance is technical in nature and the proposed multi-dwelling housing is of a design that is compatible with the surrounding local character. The proposal has a compliant FSR subject to the development standard under the LEP.*
- (iii) *The development will positively relate to the public domain when viewed from the Old South Head Road and The Avenue, with a well-articulated built form. Notably, the proposal is supported by Council's Design Excellence Advisory Panel.*
- (iv) *The FSR variation ensures that the development meets the FSR permitted on the site by the LEP. This achieves a development that is contextually compatible with the established medium density character in the area, comprising residential flat buildings and townhouses generally between two to four storeys in height. The proposal will be consistent with Council's desired medium density character for the area. To enforce the lower non-discretionary standard under the LMR would only result in a loss of housing on the site, which is inconsistent with both the objectives of the Council's LEP and of the Housing SEPP itself.*

- (v) *Accordingly, in our opinion, flexibility with the standard is justified in this instance, and provides a better outcome both for and from the development.*
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) *Enabling the development of diverse housing types, including purpose-built rental housing.*
 - (ii) *Encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability*
 - (iii) *Ensuring new housing development provides residents with a reasonable level of amenity*
 - (iv) *Promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*
 - (v) *Minimising adverse climate and environmental impacts of new housing development*
 - (vi) *Reinforcing the importance of designing housing in a way that reflects and enhances its locality*
 - (vii) *Supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*
 - (viii) *Mitigating the loss of existing affordable rental housing*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.
- (i) *As indicated, the proposed multi-dwelling housing development is compliant with the FSR development standards prescribed by the Waverley LEP, which were the only FSR controls in existence at the time the DA was lodged. This Clause 4.6 Variation simply arises because the LMR does not contain a savings provision for DAs that had been lodged but not determined at the date of gazettal.*
 - (ii) *The LEP prescribes a maximum FSR of 0.9:1 and height of 12.5m for the subject site, which generally envisages three to four storey medium density residential development. The proposal is compliant with these development standards and achieves a built form that is consistent with the desired future character of the area.*
 - (iii) *As in this case, the surrounding area has an eclectic character with a number of residential flat buildings and townhouses generally between two to four storeys in height. The applicability of LMR to the subject site and surrounding areas also reinforces that the desired future character of the locality comprises medium density residential development.*
 - (iv) *The proposal is permissible in the zone, is consistent with the relevant zone objectives and satisfies an ‘unreasonable and unnecessary’ test established in Wehbe. The contemporary multi-dwelling housing (terraces) increases the supply of housing on a site that is well-suited*

to greater density, positively contributes to the local housing stock and character, and is of a similar scale to both existing and desired future developments in the area.

- (v) Notably, the proposal is supported by Council's Design Excellence Advisory Panel. The FSR variation ensures that the development meets the FSR permitted on the site by the LEP. To enforce the lower non-discretionary standard under the LMR would only result in a loss of housing on the site, which would be completely inconsistent with both the objectives of the Council's LEP and the Principles of the Housing SEPP itself.*
- (vi) As indicated, the DA for this proposal was lodged prior to the release of LMR, but was not determined. Thus, the DA was prepared to be fully compliant under the development standards prescribed by the Waverley LEP. This Clause 4.6 Variation has only arisen because the LMR does not contain a savings provision for DAs that had been lodged but not determined at the date of gazettal. Therefore, it is simply a technical variation and an unintended consequence of the LMR.*
- (vii) The proposal is not a substantive departure from the planning intent or built form objectives anticipated under the LMR. In fact, to strictly enforce the FSR under LMR rather than the LEP would only result in a loss of housing on the site, which is not the intention of the Housing SEPP.*
- (viii) It should also be noted that the proposal improves the amenity of the subject site while maintaining the amenity of neighbouring development; achieves the objectives of the R3 Medium Density Zone and the relevant DCP built form and amenity provisions; and results in an improved streetscape outcome for the site. While these factors may not strictly constitute environmental planning grounds, they should be considered in the assessment of the FSR breach.*

Consideration of Applicant's Written Request – Clause 4.5(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 and the Applicant specifically relies upon justification of *Wehbe v Pittwater Council* (2007) 156 LGERA 446], by demonstrating that the subject site has a compliant FSR, in accordance with the Waverley Local Environmental Plan 2012. The subject site proposes an FSR of 0.89:1 (GFA of 524.7m²). The variation to the SEPP (Housing) 2021 FSR non-discretionary development standard is 111.35m² or 26.9%.

The proposed multi dwelling housing development will not result in any measurable and discernible amenity impacts to the neighbouring properties or the locality. The proposal will be aligned with the surrounding built forms within the vicinity, which consists of RFB's and dual occupancies, as well as some commercial premises on the southern side of The Avenue. The applicant's justification successfully argues that the variation to the non-discretionary development standards is acceptable.

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 multi dwelling housing development is compatible with the surrounding locality. The proposed multi dwelling housing development will facilitate residential development in a compatible and likely built form of terraces with minimal environmental impacts to the neighbouring properties or the locality. The development and Strata Subdivision, as proposed, is acceptable and will increase the residential dwelling density of the site and

provide for the housing needs of the community in the future, which is favoured within the R3 Medium Density Residential zone.

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds used to justify the breach are well-considered and sound.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the FSR non-discretionary development standard and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out.

The LMR within SEPP (Housing) 2021 does not provide objectives for non-discretionary development standards. The object of Clause 172 is to identify development standards for particular matters. As such, the development standards are considered 'do not refuse' standards if met.

Notwithstanding, the proposal does not meet the minimum standards in relation to FSR, in accordance with the SEPP (Housing) 2021 and as such, the consent authority could refuse the application if warranted. The site is sufficiently sized to provide acceptable open space, landscaping and deep soil with adequate separation distances from surrounding properties. The proposal will not result in unacceptable amenity impact upon surrounding properties including privacy, view impacts and overshadowing impacts. In this regard, the FSR variation is considered to allow a reasonable development for the site within the locality.

The objectives of the R3 Medium Density Residential zone are outlined under the Clause 4.6 variation for Lot width above as follows:

The proposal is consistent with the relevant zone objectives in that it contributes to the variety of housing types providing for the housing needs of the community. The proposal increases dwelling density by providing four dwellings on the site and provides affordable housing within the locality. As discussed throughout this report, the proposal is compatible with the desired future character and amenity of the surrounding neighbourhood. The proposal promotes the use of public transport and alternative modes of transport by not exceeding the maximum parking rates of the SEPP (Housing) 2021 and the DCP.

Conclusion

For the reasons provided above, the requested variation to the FSR non-discretionary development standard, prescribed by the SEPP (Housing) 2021, is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with Clause 172 of SEPP (Housing) 2021 and the R3 Medium Density Residential zone.

Clause 4.6 Exceptions to Development Standards - Height of Buildings

The application seeks to vary Clause 172 (3)(e) of the SEPP (Housing) 2021 in relation to the Height of Buildings non-discretionary development standard.

The site is subject to a maximum height of buildings non-discretionary development standard of 9.5m, in accordance with Chapter 6 Low and Mid Rise Housing of the SEPP (Housing) 2021. The subject site proposes a maximum height of 10.82m. The variation to the SEPP (Housing) 2021 Height of Buildings development standard is 1.32m or 13.9%.

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 lot width non-discretionary development standard on the following basis:

- (i) *The proposal has a maximum building height of 10.82m. This varies from the LMR by 1.32m or 13.9%. However, it is critical to note that in accordance with the Waverley LEP 2012, a maximum building height of 12.5m applies to the subject site, meaning the proposal is fully compliant with the LEP. In fact, the proposal is largely two whole storeys less than the maximum building height allowed under the LEP.*
- (ii) *It is worth noting that the majority of the proposed built form is less than 9.5m in height (see **Figure 1**). The only portion of the building that is greater than 9.5m is the roof form of the three storey portion of the building at the north-western most corner of the site. That roof form has a greater height in order to provide an architectural element that responds to and reinforces the site's prominent corner location, near the intersection of Old South Head Road and The Avenue. Therefore, the variation is necessary to achieve a good urban design outcome.*

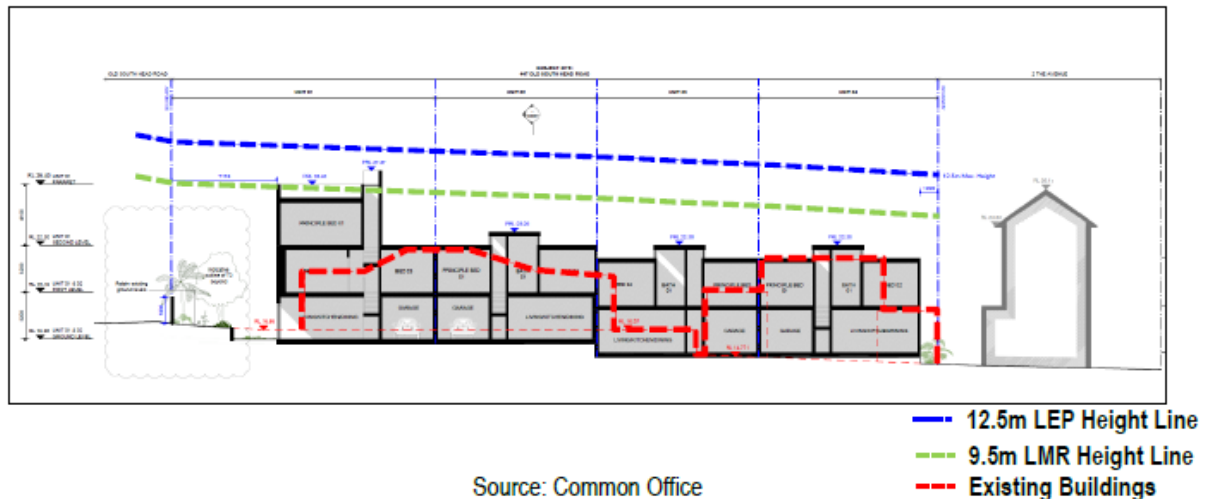


Figure 10: The subject site, with comparison between the Waverley LEP 2012 and SEPP (Housing) 2021 height controls

- (iii) *Flexibility is sought in the application of the building height non-discretionary development standard to the proposed development in the circumstance of this particular case. The non-compliance is technical in nature and the proposed multi-dwelling housing is of a design that is compatible with the surrounding local character. The proposal has a compliant building height subject to the development standard under the LEP.*
 - (iv) *The development will positively relate to the public domain when viewed from the Old South Head Road and The Avenue, with a well-articulated built form. Notably, the proposal is supported by Council’s Design Excellence Advisory Panel.*
 - (v) *The variation ensures that the development meets the building height and FSR permitted on the site by the LEP. This achieves a development that is contextually compatible with the established medium density character in the area, comprising residential flat buildings and townhouses generally between two to four storeys in height. The proposal will be consistent with Council’s desired medium density character for the area. To enforce the lower non-discretionary standard under the LMR would only result in a loss of housing on the site, which is inconsistent with both the objectives of the Council’s LEP and of the Housing SEPP itself.*
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

As stated within the Clause 4.6 written variation request submitted by GSA Planning, the non-discretionary development standard prescribed under LMR do not contain any objectives, with the following information provided:

Instances where development standards in a SEPP that do not have objectives and are sought to be varied was dealt with in the NSW Land and Environment Court (LEC) matter of Hughes v Northern Beaches Council [2023] NSWLEC 1350 (Hughes). In Hughes, Horton C established that the underlying objectives relevant to the standards prescribed in the Housing SEPP are derived from the Principles of the Policy.

In accordance with the above caselaw, the proposed variation has been assessed against the Principles of the Policy listed in Section 3 of the Housing SEPP. Reasons why the proposed development is consistent with the Principles of Policy are explained below.

- (i) Enabling the development of diverse housing types, including purpose-built rental housing*
 - (ii) Encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability*
 - (iii) Ensuring new housing development provides residents with a reasonable level of amenity*
 - (iv) Promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*
 - (v) Minimising adverse climate and environmental impacts of new housing development*
 - (vi) Reinforcing the importance of designing housing in a way that reflects and enhances its locality*
 - (vii) Supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*
 - (viii) Mitigating the loss of existing affordable rental housing*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.
- (i) As indicated, the proposed multi-dwelling housing development is compliant with the height and FSR development standards prescribed by the Waverley LEP, which were the only relevant development standards in existence at the time the DA was lodged. This Clause 4.6 Variation simply arises because the LMR does not contain a savings provision for DAs that had been lodged but not determined at the date of gazettal.*
 - (ii) The LEP prescribes a maximum height of 12.5m for the subject site, which generally envisages three to four storey medium density residential development. The proposal is compliant with this development standard and achieves a built form that is consistent with the desired future character of the area.*
 - (iii) In fact, the proposal is largely two whole storeys less than the maximum building height allowed under the LEP. For the most part, the development is also less than 9.5m in height, which is compliant with both the LEP and the LMR. The only area of breach is the roof form of the three storey portion at the corner of Old South Head Road and The Avenue, which itself is only 10.82m in height and complies with the LEP.*
 - (iv) As in this case, the surrounding area has an eclectic character with a number of residential flat buildings and townhouses generally between two to four storeys in height. The*

applicability of LMR to the subject site and surrounding areas also reinforces that the desired future character of the locality comprises medium density residential development.

- (v) The proposal is permissible in the zone, is consistent with the relevant zone objectives and satisfies an ‘unreasonable and unnecessary’ test established in Wehbe. The contemporary multi-dwelling housing (terraces) increases the supply of housing on a site that is well-suited to greater density, positively contributes to the local housing stock and character, and is of a similar scale to both existing and desired future developments in the area.*
- (vi) Notably, the proposal is supported by Council’s Design Excellence Advisory Panel. The building height variation ensures that the development meets the height permitted on the site by the LEP and responds to the prominent corner location. Given the majority of the proposed building is compliant with both the 12.5m LEP height standard and the 9.5m LMR standard, strict compliance with the lower standard would serve no purpose.*
- (vii) The variation with the non-discretionary building height development standard in LMR is considered acceptable as it facilitates a development which is compliant with the LEP and upholds the desired future character of the area.*
- (viii) As indicated, the majority of the proposed built form is less than 9.5m in height (see **Figure 10**). The only portion of the building that is greater than 9.5m is the roof form of the three storey portion of the building at the north-western most corner of the site. That roof form has a greater height in order to provide an architectural element that responds to and reinforces the site’s prominent corner location, near the intersection of Old South Head Road and The Avenue. Therefore, the variation is necessary to achieve a good urban design outcome.*
- (ix) The extent of the variation, being limited to the roof and parapet, is minor in nature and is not substantive enough to warrant refusal of the development.*
- (x) As indicated, the DA for this proposal was lodged prior to the release of LMR, but was not determined. Thus, the DA was prepared to be fully compliant under the development standards prescribed by the Waverley LEP. This Clause 4.6 Variation has only arisen because the LMR does not contain a savings provision for DAs that had been lodged but not determined at the date of gazettal. Therefore, it is simply a technical variation and an unintended consequence of the LMR.*
- (xi) The proposal is not a substantive departure from the planning intent or built form objectives anticipated under the LMR. In fact, to strictly enforce the building height under LMR rather than the LEP would only result in a poorer urban design outcome and potential loss of accommodation on the site, which is not the intention of the Housing SEPP.*
- (xii) It should also be noted that the proposal improves the amenity of the subject site while maintaining the amenity of neighbouring development; achieves the objectives of the R3 Medium Density Zone and the relevant DCP built form and amenity provisions; and results in an improved streetscape outcome for the site. While these factors may not strictly*

constitute environmental planning grounds, they should be considered in the assessment of the Clause 4.6 Variation.

Consideration of Applicant's Written Request – Clause 4.5(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 and the Applicant specifically relies upon justification of *Wehbe v Pittwater Council* (2007) 156 LGERA 446], by demonstrating that the subject development has a compliant height, in accordance with the Waverley LEP 2012. The subject site proposes a maximum height of 10.82m. The variation to the SEPP (Housing) 2021 height development standard is 1.32m or 13.9%.

The proposed multi dwelling housing development will not result in any measurable and discernible amenity impacts to the neighbouring properties or the locality. The proposal will be aligned with the surrounding built forms within the vicinity, which consists of RFB's and dual occupancies, as well as some commercial premises on the southern side of The Avenue. The applicant's justification successfully argues that the variation to the non-discretionary development standards is acceptable..

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 multi dwelling housing development is compatible with the surrounding locality. The proposed multi dwelling housing development will facilitate residential development in a compatible and likely built form of terraces with minimal environmental impacts to the neighbouring properties or the locality. The development and Strata Subdivision, as proposed, is acceptable and will increase the residential dwelling density of the site and provide for the housing needs of the community in the future, which is favoured within the R3 Medium Density Residential zone.

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds used to justify the breach are well-considered and sound.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the Height of Buildings non-discretionary development standard and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out.

The LMR within SEPP (Housing) 2021 does not provide objectives for non-discretionary development standards. The object of Clause 172 is to identify development standards for particular matters. As such, the development standards are considered 'do not refuse' standards if met.

Notwithstanding, the proposal does not meet the maximum standard in relation to Height, in accordance with the SEPP (Housing) 2021 and as such, the consent authority could refuse the application if warranted. The site is sufficiently sized to provide acceptable open space, landscaping and deep soil with adequate separation distances from surrounding properties. The proposal will not result in unacceptable amenity impact upon surrounding properties including privacy, view and overshadowing impacts. In this regard, the height variation is considered to allow a reasonable development for the site within the locality.

The objectives of the R3 Medium Density Residential zone are outlined under the Clause 4.6 variation for Lot width above

The proposal is consistent with the relevant zone objectives in that it contributes to the variety of housing types providing for the housing needs of the community. The proposal increases dwelling density by providing four dwellings on the site and provides affordable housing within the locality. As discussed throughout this report, the proposal is compatible with the desired future character and amenity of the surrounding neighbourhood. The proposal promotes the use of public transport and alternative modes of transport by not exceeding the maximum parking rates of the SEPP (Housing) 2021 and the Waverley DCP 2022.

Conclusion

For the reasons provided above, the requested variation to the Height of Buildings non-discretionary development standard, prescribed by the SEPP (Housing) 2021, is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with Clause 172 of SEPP (Housing) 2021 and the R3 Medium Density Residential zone.

Clause 6.17 Affordable Housing Contributions

In accordance with Clause 6.17 of the Waverley LEP 2012, an affordable housing contribution applies to the application, which gives effect to the Waverley Affordable Housing Contribution Scheme 2023 (AHCS), should the development be approved.

Under Section 6.17(3) of the Waverley LEP 2012, the affordable housing contribution can be satisfied in one of two ways:

- a) *A monetary contribution paid to the Council, calculated in accordance with the Waverley AHCS adopted by the Council on 5 March 2024, (under the AHCS, the monetary contribution payable would be \$42,842.61 based on the proposed Strata subdivision of four dwellings – see Calculation Rates); or*
- b) *A dedication in favour of the Council of land, comprising 1 or more dwellings, with a gross floor area of at least 50m² each (under the AHCS, one unit at least 50sqm in size would be needed).*

Comment: A condition has been included in the recommendation at Appendix A for the Applicant to provide a monetary contribution.

2.4. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 5: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Additional information was requested to provide consistency between the Waste Management Plan (WMP) and the Architectural plans. As a result, amended plans were received demonstrating that the bin storage location within the attached garages does have sufficient space, in accordance with the DCP.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans (Note: required in all main living areas and bedrooms. This should be notated on DA and CC plans.)</i> <i>Gas cooktops, gas ovens or gas internal space heating systems. (Note: not permitted in any residential development. Instead, electric systems should be installed and clearly marked on DA plans.)</i> 	Yes	<p>A BASIX Certificate is provided with the application. Each dwelling provides satisfactory cross ventilation.</p> <p>A condition has been imposed to incorporate ceiling fans, and gas heating and cooking.</p>
3. Landscaping, Biodiversity and Vegetation Preservation <ul style="list-style-type: none"> <i>(Note: Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.)</i> <i>(Note: Consent is required to prune a tree that is 5m or greater in height, or 5m or greater in spread.)</i> <i>(Note: Where such a tree is proposed for removal, replacement plantings of suitable species from Annexure B3-2 and of minimum 45L pot sizes must be shown on a Landscape Plan. An Arborist must confirm that the replacement will be able to reach the same</i> 	Yes	<p>Additional information was required to be submitted regarding the impacts on trees T1 and T2 at the front of the property.</p> <p>The amended plans relocate the spa pool located within the front setback to retain trees T1 and T2, in accordance with the Tree Management Officer's assessment.</p> <p>In addition, the location of the spa pool within front setback is situated closely to significant trees and landscaping on the site and therefore, is non-compliant with the swimming pool and spa pools objectives and controls within the WDCP 2022. A condition has been included to delete the spa pool.</p>

Development Control	Compliance	Comment
<i>or greater canopy size when mature.)</i>		
5. Water Management	Yes, subject to conditions.	Satisfactory, subject to conditions. Refer to Section 3 of this report on referral commentary in relation to stormwater.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <i>Maximum parking rate:</i> <ul style="list-style-type: none"> <i>1.5 spaces for 3 + bedroom dwellings</i> 	Yes, subject to conditions.	<p>The proposal provides a single garage per dwelling (four garage spaces) accessed from The Avenue, which is the secondary street to this site. The Avenue is characterised by garages and as such, this is appropriate.</p> <p>The proposal has been reviewed by Council's Traffic Engineers and conditions are recommended, which are included in Appendix A.</p> <p>The subject site is located within Parking Zone 2. The maximum parking permitted for the three bedroom dwellings is 1.5 spaces per dwelling, with which the proposal complies. Therefore, the off-street parking is acceptable, subject to conditions.</p> <p>The proposed driveway crossovers are required to have a separate application for approval, with a maximum width of 3m at the property boundary. The width at the street is to be a maximum of 3.9 metres inclusive of 0.45 metre splays either side. Conditions have been included to ensure compliance with Section 138 of the Roads Act 1993.</p> <p>The four resident parking spaces are required to be EV ready. A condition to this effect is included.</p>
8. Heritage	Yes	The site is not a listed heritage item or located within a heritage conservation area.
11. Design Excellence	Yes	Satisfactory. The proposed design introduces a distinct and contemporary architectural form, which will provide development that achieves a high standard of architectural design, materials and detailing appropriate to the building type and the streetscape. In addition, the proposed three storey dwelling, located on the corner of Old South Head Road and The Avenue accentuates the corner site and improves the quality and amenity of the public domain.
12. Subdivision	Yes	Satisfactory. The four proposed dwellings propose Strata subdivision.

Development Control	Compliance	Comment
13. Excavation	Yes	<p>Satisfactory. The proposed excavation across the site is considered acceptable. The excavation does not add to the bulk and scale of the building.</p> <p>The DCP requires that excavation is not within 1.5m from side boundaries for multi-dwelling housing and should only occur within the building footprint.</p> <p>There is proposed excavation to within 900mm of side boundaries to a depth of approximately 1.8m to accommodate the proposed development. The excavation is below the building footprint which is acceptable.</p> <p>A Geotechnical Report has been provided which provides initial recommendations in relation to the protection of adjoining properties and conditions will require more detailed geotechnical investigations as part of the construction certificate and certification.</p>

Table 6: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
<ul style="list-style-type: none"> <i>Minimum frontage: 15m – R3 zone</i> 	Partial (see discussion above under SEPP (Housing 2021))	The frontage of the site at No. 447 Old South Head Road is 11.13m. The combined secondary frontage to The Avenue is 54.215m.
2.2 Height		
<ul style="list-style-type: none"> <i>Maximum external wall height: R3/12.5m – 9.5m</i> 	No (acceptable on merit)	The proposed external wall height is 10.82m. Refer to an assessment against Section 2.2 of Part C2 of the WDCP below.
2.3 Setbacks		
2.3.1 Street setbacks <ul style="list-style-type: none"> <i>Consistent street setback</i> 	Yes	Satisfactory. The proposed front setback varies between 4.496m and 9.247m. Therefore, the street setback is consistent with the neighbouring RFB to the north and transitions adequately to the corner of Old South Head Road and The Avenue.
2.3.2 Side and rear setbacks <ul style="list-style-type: none"> <i>Minimum side setback: 0.9m or 1.5m or 1.5-2.5m</i> 	Partial (acceptable on merit)	Satisfactory. There is a 1.2m side setback to The Avenue and 2.88m side setback to the northern (side) boundary.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 		The 1.2m setback to The Avenue is considered acceptable as there are no residential amenity impacts caused as a result of the minor non-compliance of 300mm.
2.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated 	Yes	Satisfactory. The proposal articulates the building so that no building lengths are greater than 24m.
2.5 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	Satisfactory. The proposal is located on a corner allotment and addresses both Old South Head Road and The Avenue.
2.7 Fences and walls		
<u>Front fence:</u> <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 <u>Side fence:</u> <ul style="list-style-type: none"> Maximum height: 1.8m <u>Rear fence:</u> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes (subject to conditions)	<p>Satisfactory. The fence height to the secondary frontage along The Avenue has been conditioned to have a maximum height between 1.6m.</p> <p>A condition has been imposed to provide a compliant wall height to The Avenue, in accordance with Part 2.7 of the WDCP 2022.</p>
2.8 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	Satisfactory. Pedestrian access is provided separately to the vehicular access of each of the dwellings.
2.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 177.15m² 50% of the above is to be deep soil: 88.78m² 	Yes	Satisfactory. The proposed landscaping is 184.4m ² and the proposed deep soil landscaping across the site is 167.2m ² .

Development Control	Compliance	Comment
2.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 88.6m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Residential flat building and shop top housing may locate communal open space on rooftops subject to amenity impacts. 	No (acceptable on merit)	<p>No communal open space has been provided in this instance.</p> <p>Each dwelling has north facing private open spaces with additional balconies located on the first floor of each dwelling. There are living and dining areas that are north facing and provide direct access to the private open space of each dwelling.</p> <p>The site is located across the road from the Royal Sydney Golf Club and is located within proximity to public open spaces within the Waverley and Woollahra Local Government Areas (LGAs).</p>
2.11 Private Open Space		
2.11.1 – Courtyards <ul style="list-style-type: none"> Private Courtyards – min 25m² area and 3m width and depth Planting to be provided Private open space not to be provided at the front, unless a buffer is provided Max gradient 1 in 10 2.11.2 – Balconies/decks <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	<p>Satisfactory. Unit 1 has a private open space >25m². Unit 2 – 4 have private open spaces with minimum widths of 3m however, have a size of 23.3m². As a result of the minor shortfall, additional balconies are provided on the first floor. This is considered consistent with the definition of private open spaces, in accordance with the DCP.</p> <p>The courtyards and balcony at the roof level adequately address the provisions of the DCP providing principal areas of private open space to meet user needs with adequate privacy.</p> <p>The proposed balconies are located on the secondary frontage facing The Avenue and do not dominate the façade of the dwellings.</p> <p>There is a spa pool proposed within the front setback and private open space area of Unit 1. The location of the spa pool within front setback is situated closely to significant trees and landscaping on the site and therefore, is non-compliant with the swimming pool and spa pools objectives and controls within the WDCP 2022. A condition has been included to delete the spa pool.</p>
2.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the 	Yes	Satisfactory. One car space provided per dwelling. Unit 1 and 2 share a driveway and Unit

Development Control	Compliance	Comment
<i>design of the development</i> <ul style="list-style-type: none"> • <i>Max 1 x 2 way vehicle access point</i> • <i>Provided from secondary street or lane</i> • <i>Pedestrian safety considered</i> • <i>Basement parking should not contravene deep soil zone controls</i> 		3 and 4 share a driveway, providing integrated parking within the development.
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> • <i>New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter</i> 	Yes	<p>The proposal has an east-west orientation, with a four storey RFB located to the north of the site. There is sufficient building separation however, as a result of the existing RFB, overshadowing is inevitable in this instance.</p> <p>Notwithstanding, the private open spaces and main living areas are north facing to receive optimum solar access.</p>
<ul style="list-style-type: none"> • <i>Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June</i> 		The proposed overshadowing, as a result of the multi dwelling housing development, is considered minimal with the majority of the overshadowing falling on to the south towards The Avenue road and road reserves. To the west of the site is Old South Head Road and therefore, will not overshadow any adjacent dwellings to the west. In addition, the adjoining site to the east receives at least three hours of solar access on 21 June.
2.14 Views and view sharing		
<ul style="list-style-type: none"> • <i>Minimise view loss through design</i> • <i>Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface</i> • <i>Views from public spaces to be maintained</i> 	Yes	Satisfactory. There are no view impacts related to this development.
2.15 Visual privacy and security		
<ul style="list-style-type: none"> • <i>Dwellings to be orientated to the street with entrances and street numbering visible</i> • <i>Development over 50 dwellings must be</i> 	Yes	<p>Satisfactory. The four dwellings are oriented to The Avenue, which is the secondary frontage, as Old South Head Road is an arterial road.</p> <p>The living area windows on the ground level of the dwellings are located where fencing is</p>

Development Control	Compliance	Comment
<p><i>designed with CPTED principles – See B9 Safety</i></p> <ul style="list-style-type: none"> <i>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</i> <i>Privacy be considered in relation to context density, separation use and design</i> <i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development</i> <i>Roof tops a may be used to meet communal open space requirements</i> 		<p>sufficient to ensure privacy of surrounding properties.</p> <p>The proposed first floor balconies are oriented to the street and therefore, cause no overlooking.</p> <p>The ground floor private open spaces are oriented to the north, which adjoins a large RFB. Notwithstanding, there is minimal overlooking as a result of the orientation of the RFB.</p> <p>Any windows and balconies on the adjoining property are located on the first floor of the RFB with garages below that will prevent significant overlooking to the private open spaces that are lower in topography as a result of the slope of the land from north to south.</p>
2.16 Dwelling size and layout		
<ul style="list-style-type: none"> <i>Max habitable room depth for single aspect dwelling is 8m from a window</i> <i>Max width of dwelling over 15m deep is min 4m</i> <i>All habitable rooms to have a window</i> <i>Provide a range of dwelling types and sizes</i> <i>Min sizes</i> Studio = 35m² 1 bedroom = 50m² 2 bedroom = 80m² 3 bedroom = 100m² <i>Accessible and Adaptable</i> 	Yes	Satisfactory. All habitable room depths are considered acceptable.
2.17 Ceiling Heights		
<ul style="list-style-type: none"> <i>Min 2.7m floor to ceiling height residential floors</i> <i>Min 2.4m floor to ceiling height attic levels</i> 	Yes	Satisfactory.
2.18 Storage		
<ul style="list-style-type: none"> <i>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</i> Studio and 1 bed = 6m³ 2 bed = 8m³ 3 or more bed = 10m³ 	Yes	Satisfactory.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> All to provide bulk storage area in basement or ancillary structure 		
2.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Satisfactory.
2.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated Building to be orientated to maximise breezes Ceiling fans are to be provided in all habitable rooms 	Yes	Satisfactory.
2.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures Outdoor Communal clothes drying area to be provided Plant rooms away from entry communal and private open spaces and bedrooms. Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge. The maximum volume permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the 	Yes	Additional information was requested to provide consistency between the Waste Management Plan (WMP) and the Architectural plans. As a result, amended plans were received demonstrating that the bin storage location within the attached garages does have sufficient space, in accordance with the DCP.

Development Control	Compliance	Comment
<i>equipment for maintenance.</i>		

The following is a detailed discussion of the issues identified in the compliance tables above:

Height

The proposed external wall height is 10.82m at its western end where a 9.5m external wall height is applicable under the Waverley DCP 2022. The following controls are extracted from Part C2, 2.2 *Height* from the Waverley DCP 2022 with a response provided below:

- c) *Council may consider a varied wall height where the following matters are addressed:*
- i. *Compliance with Floor Space Ratio development standard;*
 - ii. *Compliance with Height development standard;*
 - iii. *Compliance with side setback controls;*
 - iv. *Visual aspect of the bulk and scale, as viewed from the private open space and living areas of adjoining properties;*
 - v. *Amenity of adjacent properties with regard to sunlight, visual and acoustic privacy and views;*
 - vi. *A high design quality is achieved.*

The proposal complies with the Waverley LEP 2012 floor space ratio and height development standard, however, does not comply with the non-discretionary development standards, prescribed by the SEPP (Housing) 2021. A Clause 4.6 written variation request to the development standards have been submitted and are assessed above and deemed to be acceptable.

In regards to the setbacks proposed, there is a 1.2m southern (side) setback to The Avenue and 2.88m side setback to the northern (side) boundary. The 1.2m setback to The Avenue is considered acceptable as there are no residential amenity impacts caused as a result of the minor non-compliance of 300mm.

The proposed design introduces a distinct and contemporary architectural form, which will provide development that achieves a high standard of architectural design, materials and detailing appropriate to the building type and the streetscape. In addition, the proposed three storey dwelling, located on the corner of Old South Head Road and The Avenue accentuates the corner site and improves the quality and amenity of the public domain.

The non-compliance with the external wall height control will not result in unreasonable impacts on the amenity of neighbouring properties in regards to overshadowing, visual bulk and scale and view impacts and is deemed to be acceptable.

2.5. Other Impacts of the Development

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

2.6. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.7. Any Submissions

The application was notified between 10 December 2024 and 22 January 2025 and a site notice erected on the site in accordance with the *Waverley Community Engagement Strategy 2023*.

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

- Now retaining trees T1 and T2, in accordance with the Tree Management officer's assessment.

No submissions were received.

Following the introduction of the Low and Mid-Rise Housing reforms on 28 February 2025, the development application was then subject to the new development standards of the SEPP (Housing) 2021 given the sites location within 800m of the Rose Bay Centre. As such, the development standards for the site are now more onerous than those under Council's LEP, thereby requiring the submission of Clause 4.6 written variation requests as detailed above in this report. Given there was no change to the overall development which would result in greater impacts, it was deemed that the renotification of the application was not required.

2.8. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Conditions were recommended which are included in Appendix A.

3.2. Strategic Planning

This referral relates to the assessment of the proposal against Clause 6.17 of the WLEP and the *Waverley Affordable Housing Contribution Scheme 2023*. The Clause and Scheme require development for the purposes of a new RFB, multi-dwelling, shop top housing or independent living unit to provide a contribution towards affordable housing in the following way:

- Monetary contribution calculated by working out what 1% of the total proposed gross floor area is, and multiplying that result with the suburb sqm rate published on Council's website.

The total proposed residential gross floor area of the development is 524.7m². 1% of 524.7m² is 5.24m². The proposal is in the Rose Bay suburb, so the \$22,000/sqm rate is applicable. The monetary contribution payable is therefore 5.24 sqm x \$22,000 = **\$115,280**

A condition has been recommended, which is included in Appendix A.

3.3. Stormwater

Conditions were recommended which are included in Appendix A.

3.4. Tree Management

Additional information was requested to retain trees T1 and T2 within the front setback. Conditions were recommended which are included in Appendix A.

3.5. Biodiversity

Comments were provided referring to general provisions of the Waverley DCP 2022. Standard conditions in relation to biodiversity are included in Appendix A.

3.6. Sustainable Development

Conditions were recommended which are included in Appendix A.

3.7. Waste

Additional information was requested to ensure consistency with the Architectural plans and the number and capacity of waste bins. Conditions were recommended which are included in Appendix A.

4. CONCLUSION

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


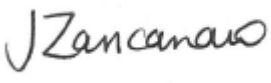
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 6 May 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, and J Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
Alexandra (Allie) Marks	Jo Zancanaro
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 28 May 2025	Date: 16 June 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	6.87m or 38.2% variation to lot width (Clause 172 (3)(b))	
	X	Pre-existing non-compliance
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
	X	Chapter 6 Low and Mid Rise Housing of SEPP (Housing) 2021
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	1.32m or 13.9% variation to height (Clause 172 (3)(d))	
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
	X	Chapter 6 Low and Mid Rise Housing of SEPP (Housing) 2021
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	111.35m² or 26.9% variation to FSR (Clause 172 (3)(e))	
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard

	X	Chapter 6 Low and Mid Rise Housing of SEPP (Housing) 2021
Excavation Register	360m ³ of excavation approved	
	X	Located within the building footprint
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Does the proposal trigger a Housing & Productivity Contribution? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	No	
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No	
Boarding House <small>*This is a planning portal reporting requirement</small>	No	
Group Home <small>*This is a planning portal reporting requirement</small>	No	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
Waverley Council Data		
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Was there a 'Conflict of Interest' declared	No	

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																				
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Common Office of Project No: 2414 including the following:</p> <table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA100[01]</td><td>Site Plan</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA200[01]</td><td>Ground Plan</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA201[01]</td><td>First Plan</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA202[01]</td><td>Second Plan</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA203[01]</td><td>Roof Plan</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA300[01]</td><td>North Elevation</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA301[01]</td><td>South Elevation</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA302[01]</td><td>East Elevation</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA303[01]</td><td>West Elevation</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA304[01]</td><td>Street Elevation</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA400 [01]</td><td>Section A</td><td>19 May 2025</td><td>19 May 2025</td></tr><tr><td>DA401[01]</td><td>Section B</td><td>19 May 2025</td><td>19 May 2025</td></tr></table> <p>(b) Landscape Plan No. C1 – C5 (Rev. B) and documentation prepared by Contour Landscape Architecture, dated (31/10/2024) and received by Council on (21/11/2024),</p> <p>(c) BASIX Certificate No. 1770100M, dated 24 October 2024 and NatHERS Certificate No. 0009816240, dated 15 October 2024.</p> <p>(d) Stormwater Details and documentation prepared by Frankham Engineering Surveys, Drawing No. 224139/2, Sheets 1 – 6, dated October 2024, and received by Council on 04/11/2024.</p> <p>(e) Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care, dated 24 October 2024, and received by Council on 21/11/2024.</p> <p>(f) Draft Strata Subdivision Plan prepared by SWS Surveyors dated 14-05-2025 and received by Council on 19/05/2025.</p> <p>(g) Schedule of external finishes and colours received by Council on 21/11/2024</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA100[01]	Site Plan	19 May 2025	19 May 2025	DA200[01]	Ground Plan	19 May 2025	19 May 2025	DA201[01]	First Plan	19 May 2025	19 May 2025	DA202[01]	Second Plan	19 May 2025	19 May 2025	DA203[01]	Roof Plan	19 May 2025	19 May 2025	DA300[01]	North Elevation	19 May 2025	19 May 2025	DA301[01]	South Elevation	19 May 2025	19 May 2025	DA302[01]	East Elevation	19 May 2025	19 May 2025	DA303[01]	West Elevation	19 May 2025	19 May 2025	DA304[01]	Street Elevation	19 May 2025	19 May 2025	DA400 [01]	Section A	19 May 2025	19 May 2025	DA401[01]	Section B	19 May 2025	19 May 2025
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	<p>(h) The Site Waste and Recycling Management Plan (SWRMP) Part 1, received by Council on 21/11/2024.</p> <p>(i) Amended Waste Management Plan, received by Council on 21/11/2024;</p> <p>(j) Geotechnical Report prepared by STS Geotechnics Pty Ltd (Project No. 32828/9066D-G, Report No. 24/2780) dated September 2024 and received by Council on 21/11/2024</p> <p>Except where amended by the following conditions of consent.</p>
	<p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments:</p> <p>(a) The proposed spa bath to Unit 1 within the western front setback to Old South Head Road is to be deleted from the plans.</p> <p>Condition reason: To ensure the retention and protection of Trees T1 and T2</p> <p>(b) The proposed front fence to the Old South Head Road frontage of the site is to be reduced to an overall height of 1.6m above the footpath level.</p> <p>Condition reason: To address the visual bulk and scale impacts for pedestrians of the public domain.</p> <p>(c) The proposed front fence to The Avenue frontage of the site is to be reduced to an overall height of 1.6m.</p> <p>Condition reason: To address the visual bulk and scale impacts for pedestrians of the public domain.</p> <p>(d) Ceiling or wall mounted fans are to be included in all main living areas and bedrooms of each dwelling.</p> <p>Condition reason: To achieve compliance with the objectives and controls of the Waverley Development Control Plan 2022.</p> <p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>

3.	<p>MULTI DWELLING HOUSING DEVELOPMENT DESIGN (SEPP HOUSING 2021)</p> <p>The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.</p> <p>Condition reason: To ensure the approved design remains unchanged.</p>
4.	<p>STRATA SUBDIVISION</p> <p>This consent includes approval for a four lot Strata subdivision of the building proposed in the development.</p> <p>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 <i>Strata Schemes Development Act 2015</i>.</p> <p>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 2022. No exclusive use of common property shall occur without the prior consent of Council.</p> <p>Condition reason: To ensure the approved development complies with the <i>Strata Schemes Development Act 2015</i>.</p>
5.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the DA plans and documentation. Please ensure that plans are marked with the following</p> <ol style="list-style-type: none"> 1. Rainwater tank to be shown on the plans with tank(s) size stated and tank(s) drawn to scale. If an underground tank is proposed, then this must be clearly stated. <p>Condition reason: To comply with the SEPP (Sustainable Buildings) 2022.</p>
6.	<p>LANDSCAPE WORKS IN A HABITAT CORRIDOR</p> <p>A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.</p> <p>Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must include a planting schedule that lists all plant species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1</p> <p>Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer</p>

	Condition reason: To protect and enhance the biodiversity habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
7.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
8.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> (a) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). <ul style="list-style-type: none"> - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> (b) As legislated in section 209 of the <i>Environmental Planning and Assessment Regulation 2021</i>, the levy must be paid in accordance with the following; <ul style="list-style-type: none"> (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 <u>full</u> cost of the development; or

	<p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>						
9.	<p>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</p> <p>Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> <tr> <td>Housing and productivity contribution (base component)</td><td>\$42,842.61</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$42,842.61</td></tr> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$42,842.61	Total housing and productivity contribution	\$42,842.61
Housing and productivity contribution	Amount						
Housing and productivity contribution (base component)	\$42,842.61						
Total housing and productivity contribution	\$42,842.61						
10.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$40,286,82 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.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p>						

	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
11.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
12.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>The applicant is to pay Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain including all stormwater plans, in accordance with the Council's Schedule of Fees and Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.</p> <p>Condition Reason: The engineering plans assessment fees are applicable as per Waverley Council's Pricing Policy Fees and Charges 2024-2025, to assess and issue approval on the proposed design and associated works.</p>
13.	<p>PUBLIC DOMAIN IMPROVEMENTS</p> <p>The public domain is to be upgraded along The Avenue and Old South Head Road frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <ul style="list-style-type: none"> a) Pedestrian footpath b) Kerb and gutter c) Vehicular crossing d) Electrical undergrounding <p>Condition reason: This is to ensure that the public domain is upgraded along the frontage of the development as required and in accordance with the DCP and PDTM.</p>
14.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which requires alteration due to works associated with the development, both internally and externally of the development boundary, must 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, Transport for</p>

	<p>NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.</p> <p>Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.</p>
15.	<p>PRE-DEMOLITION DILAPIDATION REPORT</p> <p>To ensure Council's infrastructure is adequately protected, a pre-demolition dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles for up to 100m is to be submitted to Council. The report must detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:</p> <ul style="list-style-type: none"> a) Road pavement b) Kerb and gutter c) Footpath d) Traffic signs e) Any other relevant infrastructure <p>The report is to be dated, submitted to, and accepted by Council's Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.</p> <p>Condition reason: This condition is imposed to protect Council's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.</p>
16.	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>Public infrastructure works must be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:</p> <ul style="list-style-type: none"> a) <u>Footpath, Kerb and Gutter</u>: The existing footpath, kerb, and gutter along The Avenue frontage, and the existing footpath along the Old South Head Road frontage, are to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. b) The entire Council verge along the development's frontage is to be replenished and returned.

	<p>c) <u>Undergrounding</u>: All existing overhead power/utility lines along The Avenue frontage must be placed underground. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.</p> <p>d) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.</p> <p>e) The full public domain traversing both street frontages must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.</p> <p>Notes:</p> <ul style="list-style-type: none"> i. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks ii. 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. Levels along the property boundary with the public domain must either match existing or maintain a longitudinal grade consistent with the neighbouring properties, at the discretion of Council. iii. Waverley Council standard drawings for public domain infrastructure assets are available upon request and online at Council Website. Details that are relevant may be replicated in the public domain design submissions; however, Council's title block shall not be replicated. iv. Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. <p>Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).</p> <p>Condition reason: This condition imposed is to ensure that the public assets within the public domain are upgraded in alignment with the LEP, DCP and/or PDTM</p>
17.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>

18.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
19.	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
20.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
21.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>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</p>

	<p>water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
<p>22.</p>	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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.</p> <p>The submitted stormwater management plan prepared by Adams Consulting Engineers Pty Ltd, Job No. 190670, DWG No. C001, C005, C010, C020, C021, C030, Rev 2 dated 18/12/2019 are considered <u>concept only</u>.</p> <p>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <ul style="list-style-type: none"> a) It is highly recommended that the on-site detention (OSD) system be located in a common area (i.e. a centralised system). If an individual OSD system for each unit is proposed, it is recommended that access to the OSD system be considered in the design process for ease of maintenance and long-term viability. b) The permissible site discharge (PSD) must be limited to the maximum discharge from the site during the 20% AEP for a 5-minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. The summation of the discharge rate from the OSD system and the rate of runoff from the bypass areas during a 1% AEP storm event must not exceed the PSD. c) A catchment plan must be provided detailing each OSD catchment area, catchment impervious area, bypass area, bypass impervious area etc. d) An overflow outlet or a formal surcharge path must be provided for each OSD system. e) The rainwater tank for each dwelling must have a minimum capacity of 3000 litres and be connected to at least 50 m² of roof area. f) Any proposed stormwater discharge within the footpath verge of The Avenue must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum of 1m width of concrete kerb and gutter must be replaced encompassing this connection, with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or found to be in a deteriorated state. g) A minimum of 200 mm clearance must be provided from the edge of the layback of the vehicular crossing to the edge of the stormwater outlet.

	<p>h) Pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.</p> <p>i) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump must be provided at the outlet point.</p> <p>j) A grated trench drain must be provided across the (garage entrance/driveway/street boundary) within the private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate are to be not less than 200mm wide by 100mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain must be connected to the approved drainage system.</p> <p>k) Provide calculations of gutter sizing for 1% AEP storm event and minimum number of downpipes required.</p> <p>Notes</p> <p>l) Any Council infrastructure affected as a 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 must be replaced if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>m) The checklist as set out on pages 68-76 in Council’s Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions.</p> <p>n) 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.</p> <p>o) 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 must not be replicated.</p> <p>p) 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.</p> <p>q) Council’s contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.</p> <p>r) Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.</p> <p>Condition Reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council’s Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.</p>
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23.	SITE WASTE AND RECYCLING MANAGEMENT PLAN <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p> <p>Condition reason: To protect and enhance the biodiversity habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.</p>
24.	BASIX <p>All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation. The CC must be consistent with the approved DA.</p> <p>Condition reason: To ensure compliance with the Sustainable Building SEPP 2022.</p>
25.	INDOOR AIR QUALITY <p>Gas cooktops, gas ovens or gas internal space heating systems are not permitted in any residential development. The applicant must install an electric cooking and heating system, which should be clearly marked on the DA plans and an updated BASIX certificate provided.</p> <p>Condition reason: To comply with Part 2.3 of the Waverley DCP 2022.</p>
26.	RENEWABLE ENERGY AND ENERGY EFFICIENCY <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (c) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>

27.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>To minimise possible impacts of construction vehicles, 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.</p> <p>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</p> <p>Note: All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant can demonstrate otherwise.</p> <p>Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
28.	<p>LONG SECTIONS OF DRIVEWAY</p> <p>To minimise instances of vehicular scraping, long sections drawn along both edges of each driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of a Construction Certificate.</p> <p>The long section drawings shall:</p> <ol style="list-style-type: none"> 1. Include reduced levels (RL's) of 'The Avenue' centreline, carriageway, edge of bitumen, layback, kerb and gutter, footpath, property boundary, paving within the property and the garage floor. 2. Include existing and proposed levels. 3. 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. 4. Show paving at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the opening. 5. Show all paving on Council's land being sloped/ drained towards the roadway. 6. Show the internal ramp being graded a maximum of 1:20 (5%) for the first 4m inside the property boundary. <p>Condition reason: To ensure a B85 standard design vehicle can enter/exit the site without vehicular scraping or any excess risk to pedestrians.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
29. CONSTRUCTION SIGNS	<p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
30. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS	<p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <ol style="list-style-type: none"> 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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
31. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS	<p>Prior to commencement of the public domain works notice must be submitted to Councils Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the 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.</p>

	Condition reason: This is to ensure that the development has been granted with relevant CC design approval and obtained relevant permits from Council, along with copies of the current insurances provided to Council.
32.	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. Condition reason: To protect and retain trees.
33.	STREET TREES TO BE RETAINED/ TREE PROTECTION No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) 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. Condition reason: To protect trees during the carrying out of site work.
34.	VEHICULAR ACCESS - FINISHED LEVEL The internal finished level shall be construction to match the longitudinal fall of Council's footpath. In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to be 50mm above the level of the back edge of the existing concrete footpath. Should the internal slab be poured incorrectly, Council may ask that internal alterations to be made and the slab adjusted at the applicant's cost. Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.
35.	EXISTING VEHICLE CROSSING IS TO BE CLOSED The existing vehicle crossing is to be closed, and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council Condition reason: To remove any redundant vehicle crossings from the site frontage.
36.	NEW VEHICLE CROSSINGS New vehicle crossings are to be provided to access the proposed garages. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

	<p>The crossings are to be a maximum of 3.0 metres wide at the property boundary. The width at the street is to be a maximum of 3.9 metres inclusive of 0.45 metre splays either side.</p> <p>Condition reason: To ensure the development complies with Section 138 of the Roads Act 1993.</p>
37.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Separate approval is required for any works outside the property boundary, with fees being paid where applicable.</p> <p>Condition reason: To ensure all works are located within the property boundary, and specific approval is sought for any external works.</p>
38.	<p>STREET TREE BOND PAYMENT</p> <p>A bond of \$7000 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 following trees along the grass verge on The Avenue:</p> <ul style="list-style-type: none"> a) One (1) <i>Cupaniopsis anacardioides</i> (Tuckeroo) b) One (1) <i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark) <ul style="list-style-type: none"> i. The sum will be forfeited to the Council at its discretion for a breach of these requirements ii. Street trees to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council iii. The \$7000 bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council. iv. If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited <p>The applicant must remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.</p> <p>Condition Reason: To ensure trees are maintained and protected.</p>
39.	<p>PROTECTING TREES ON DEVELOPMENT SITES</p> <p>All trees to be retained on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, Waverley Council's Development Control Plan 2022, and the tree protection and planting recommendations in the Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care, Date: 24th October 2024.</p> <ul style="list-style-type: none"> a) All tree protection shall be removed prior to the issuing of the Occupation Certificate. b) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant's expense. c) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees. <p>Condition reason: To ensure trees remain unimpacted by construction.</p>

40.	TREE PROTECTION CERTIFICATE
	The onsite arborist is to provide a certificate to Council stating that appropriate tree protection measures have been installed for the trees to be retained and protected.
	Condition reason: To ensure trees are protected prior to work commencing.
41.	TREE WORK
	<ul style="list-style-type: none"> a) 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. b) If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
	Condition reason: To ensure trees remain unimpacted by construction.
42.	ACTIVITIES RESTRICTED WITHIN THE TREE PROTECTION ZONE (TPZ)
	<p>Activities excluded from the TPZ include but are not limited to:</p> <ul style="list-style-type: none"> a) Stockpiling of bulk materials, spoil or fill b) Machine excavation including trenching c) Excavation for silt fencing d) Cultivation e) Preparation or disposal of chemicals, including preparation of cement products f) Parking of vehicles and plant machinery g) Refuelling h) Dumping of waste i) Wash down and cleaning of equipment j) Lighting of fires k) Soil level changes l) Temporary or permanent installation of utilities and signs m) Physical damage to the tree n) Ground compaction
	Condition reason: To ensure precautions are taken when working near trees during construction.
43.	ENCROACHMENTS
	<p>Works within the TPZ will require the authorisation of the site arborist.</p> <ul style="list-style-type: none"> a) The preferred method of examination and or excavation within the SRZ is the application of non-invasive vacuum or hydro excavation. This practice is now widely adopted in sensitive situations that require root investigation. b) Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.
	Condition reason: To ensure precautions are taken when working near trees during construction.
44.	ROOT PRUNING

If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below:

a) they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (minimum AQF Level 3 Certificate in Horticulture or Certificate 3 in Arboriculture).

It is the on-site 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.

Condition reason: To ensure precautions are taken when working near trees during construction.

45.

TREE SCHEDULE

Tree No.	Species	Location	Status	Action
T1	<i>Tristaniopsis laurina</i> (Watergum)	Front right yard	Protected	Retain and protect
T2	<i>Tristaniopsis laurina</i> (Watergum)	Front left yard	Protected	Retain and protect
G3	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm) x3	Southern boundary	Protected	Remove and replace
T4	<i>Olea europaea</i> (Olive)	Southern boundary	Exempt species	Remove and replace
T5	<i>Ligustrum sinense</i> (Small leaved Privet)	Northeastern boundary	Exempt species	Remove and replace
A	<i>Melaleuca quinquenervia</i> (Broad-leaved Paperbark)	Street Tree	Protected	Retain and protect
B	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Street Tree	Protected	Retain and protect

	Condition reason: The Schedule shows which trees are approved for removal and replacement, or are to be retained and protected.
46.	<p>CROWN PROTECTION</p> <p>a) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.</p> <p>b) Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ.</p> <p>Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, for trees both on the site and those on adjoining sites.</p>
47.	<p>TRUNK AND BRANCH PROTECTION</p> <p>Where protective fencing is not possible, trunk protection is to be installed with the following:</p> <p>a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.</p> <p>Trunk protection must remain in place for the duration of all site work.</p> <p>Condition Reason: To ensure all tree parts are protected throughout the construction.</p>
48.	<p>WATER CONSERVATION</p> <p>Rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines.</p> <p>Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners.</p> <p>Pumps attached to the development must be housed in an enclosure that is soundproofed.</p> <p>Condition reason: To comply with the Waverley Development Control Plan 2022.</p>

DURING BUILDING WORK

	Condition
49.	<p>BASIX</p> <p>During construction, the certifying authority should be aware of the commitments listed in the BASIX certificate when conducting critical stage inspections. Some BASIX commitments (such as insulation) will be easier to check at this stage, rather than when the dwelling is built and ready for an occupation certificate.</p> <p>Condition reason: Sustainable Building SEPP 2022.</p>
50.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
51.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
52.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>

53.	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 <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
54.	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.
	Condition reason: To ensure building material is stored in an appropriate location.
55.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
56.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
57.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

58.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
59.	NEW VEHICLE CROSSING
	A new vehicle crossing is to be provided to access the proposed garages. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.
	Note: 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.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
60.	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 Infrastructure Engineer for the kerb and gutter, footpath and landscaping hold points.
	<p><u>Kerb and Gutter & Footpath Paving</u></p> <ul style="list-style-type: none"> • After completion of formwork and prior to casting of concrete • After full completion and restoration <p><u>Landscape</u></p> <ul style="list-style-type: none"> • After full completion and restoration <p>All applicable engineering inspection fees in accordance with Council's Pricing policy – Fees & Charges are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.</p>
	Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
61.	<p>AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF THE WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012</p> <p>The Affordable Housing Contribution payable is as follows:</p> <p>(a) Pursuant to Clause 6.17 of the Waverley Local Environmental Plan 2012 and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing.</p> <p>(b) The contribution of \$115,280 payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any Occupation Certificate. This contribution amount has been calculated based on a total proposed residential gross floor area of 5.24sqm.</p> <p>Condition reason: The proposal requires a contribution in accordance with Clause 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.</p>
62.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed as per the approved stormwater management plans.</p>
63.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER MANAGEMENT SYSTEM</p> <p>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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.</p> <p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater management system that the 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: Ensure council are aware of the stormwater management systems on site and able to provide advice for any future or remedial works.</p>

64.	CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM
	A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.
	The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.
	The Instrument must be registered and a copy of the document must 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 will be borne by the applicant.
65.	Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD, pump out, infiltration system) are not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.
65.	CERTIFICATION OF BASIX COMMITMENTS
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed. Prior to the issue of an OC the PCA must access the BASIX online administration tool and enter the BASIX certificate number, postcode and date of final inspection to complete a receipt.
66.	Condition reason: Sustainable Buildings SEPP 2022.
66.	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 <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
67.	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
67.	SUBDIVISION CERTIFICATE
	A Strata Subdivision Certificate must be obtained prior to the registration of the strata subdivision plans.
	Condition reason: To ensure a Strata Subdivision Certificate is issued prior to occupation or use of the development.

68.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must submit to Council a Final Certificate from the Supervising Engineer (or equivalent qualified professional), confirming that the public domain works have been constructed in accordance with the Council-approved plans and Waverley Council standards and specifications. The certificate must include commentary to support any variations from the approved drawings.</p> <p>Condition reason: This is to ensure that the proposed works constructed within the Council’s public domain are as per the approved design plans and certified by the applicant’s supervising engineer.</p>
69.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>Upon completion of the public infrastructure works, a Work-as-Executed (WAE) plan prepared by a registered surveyor must be submitted to the Principal Certifying Authority and Council for review. The WAE plans must clearly mark any deviations from the approved plans in red and include footpath and driveway levels.</p> <p>Any necessary rectification works must be completed by the Applicant and approved by the Executive Manager, Infrastructure Services (or delegate) before an Occupation Certificate is issued</p> <p>Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed per design approval granted by Waverley Council, and copies of the ‘As-Build’ brand new assets are provided to Council.</p>
70.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p> <p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council’s Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council’s satisfaction, as required under the consent. A final inspection is required to be carried out by Council’s Infrastructure Engineer.</p> <p>Notes</p> <ul style="list-style-type: none"> i. The issue of a final Compliance Certificate from the Council’s Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees. ii. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council. <p>Condition reason: This is to ensure that all works are completed as per the approved DA and Council’s requirements including any restorations works. This includes rectification of any part of the work which fails to perform during the 12 months defects liability period prior to handing over to Council.</p>

71.	<p>CERTIFICATION OF LANDSCAPING</p> <p>At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>
72.	<p>CERTIFICATION OF STORMWATER SYSTEM</p> <p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
73.	<p>CERTIFICATION OF PUBLIC WORK DOMAIN WORKS</p> <p>Prior to the issue an Occupation Certificate, a final inspection of the completed public domain works is required from Council's Public Domain Engineer (Infrastructure Services), to ensure that the public domain works required under the consent have been completed to Council's satisfaction. If satisfactory, a compliance certificate will be issued. A fee is applicable for this final inspection under Council's Schedule of Fees & Charges which must be paid to obtain the compliance certificate. To organise an inspection please contact the public domain team at assets@waverley.nsw.gov.au or 9083 8886.</p> <p>Condition reason: To ensure all works within the public domain have been constructed appropriately.</p>
74.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
75.	<p>CAR PARKING</p> <p>A total of four (4) car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <p>(a) One space allocated per dwelling.</p> <p>Car parking spaces are to be allocated with the rates specified in the SEPP (Housing) 2021, with no less than 1 space allocated to any residential dwelling with 3 or more bedrooms.</p> <p>All car spaces and to be appropriately signposted and parked.</p>

	<p>Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.</p> <p>Condition reason: To ensure the amount of car parking on site is reflective of the approval.</p>
76.	<p>STREET NUMBERS</p> <p>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.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
77.	<p>ALLOCATION OF STREET NUMBERS</p> <p>The redevelopment or subdivision of the property requires the allocation of street numbers. Please contact Council GIS team on GISrequest@waverley.nsw.gov.au for allocation of street numbering.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
78.	<p>FLOOR SPACE RATIO</p> <p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 524.7m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>

OCCUPATION AND ONGOING USE

	Condition
79.	<p>ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM</p> <p>Council will need to be provided with an OSD management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.</p> <p>At a minimum, the detention facility must be:</p> <ul style="list-style-type: none"> a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner. c) Not be altered without prior consent in writing of the Council. <p>Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.</p>
80.	<p>ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE</p> <p>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.</p> <p>Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.</p>
81.	<p>ON SITE GARBAGE COLLECTION</p> <p>The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.</p> <p>Condition reason: To ensure appropriate collection of waste.</p>
82.	<p>ADJUSTMENTS TO STREET SIGNS</p> <p>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.</p> <p>Condition reason: To ensure existing signs are replaced.</p>

GENERAL ADVISORY NOTES

	Condition
1.	TREE MANAGEMENT GUIDELINES 2022 Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.
2.	DEVELOPMENT IS TO COMPLY WITH LEGISLATION This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
3.	DEVELOPMENT MUST MEET CONDITIONS OF CONSENT The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
4.	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: <ul style="list-style-type: none"> • 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.
5.	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.

	<p>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.</p> <p>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.</p>
6.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
7.	<p>DIAL BEFORE YOUR DIG</p> <p>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.</p>
8.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
9.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
10.	<p>BONDI – ROSE BAY SAND BODY</p> <p>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.</p> <p>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.</p>
11.	<p>TREE REMOVAL/ PRESERVATION</p>

	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.
12.	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.
13.	DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS) Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.
14.	TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high-level priority. This includes, but is not limited to works performed for the purpose of connection/s to public utilities, including repair of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

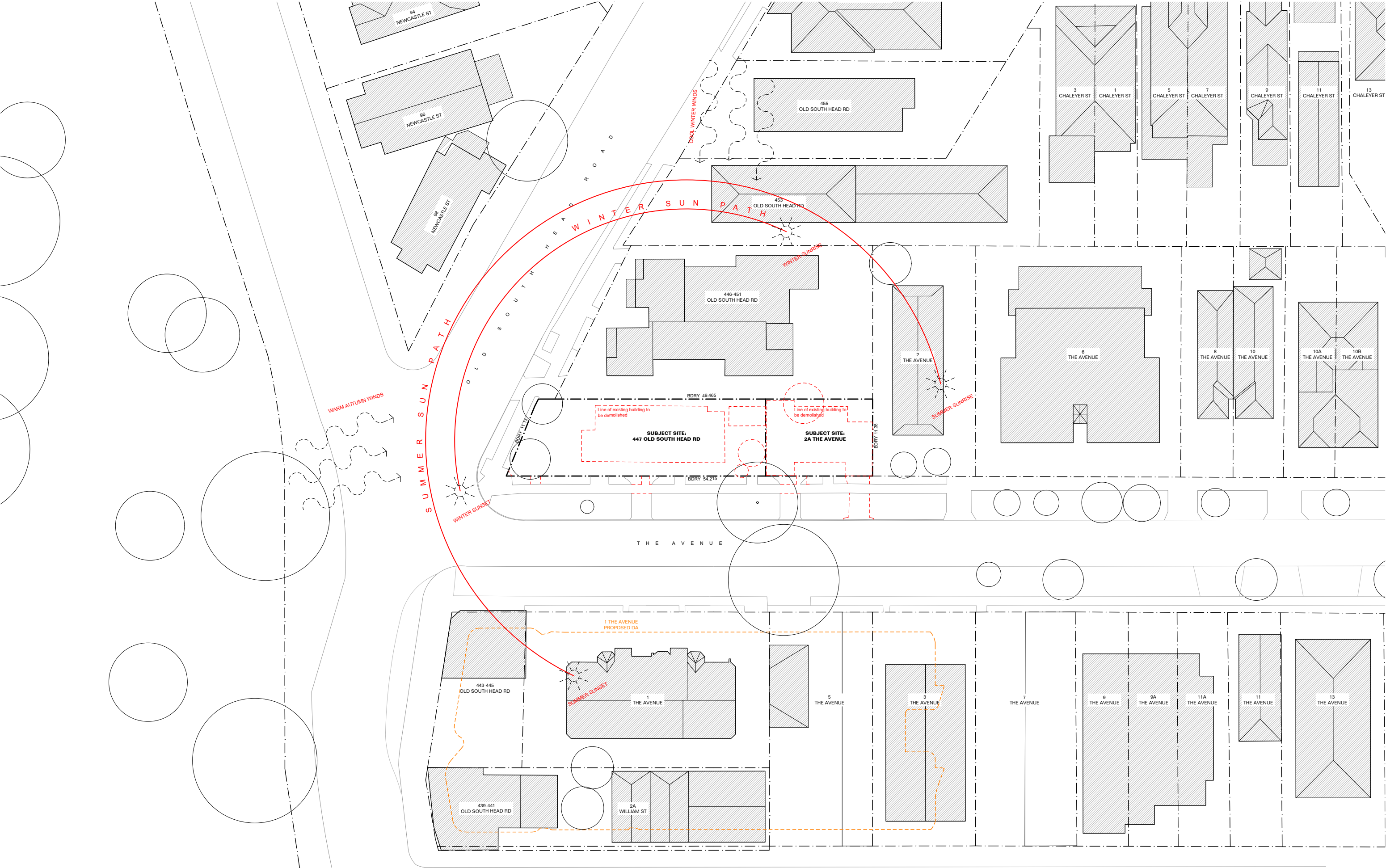
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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



For Development Application:
Not for Construction

Legend:
--- Existing to be demolished

Notes

- ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), DO NOT SCALE
- ALL WORKS TO BE VERIFIED AGAINST REGULATIONS AND LOCAL AUTHORITY REQ. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
- CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
- CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION

REQUIREMENTS ARE ACCESSIBLE. ALL DIMENSIONS TO BE VERIFIED ON SITE. ALL WORKS TO BE VERIFIED AGAINST REGULATIONS AND LOCAL AUTHORITY REQ. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED

Basix:

- NOTE: In addition to BASIX commitments, building compliance is required to comply with the 'New South Wales' Additional' in the current edition of the NCC, at the time of building. This includes New South Wales Part (A).
- Water**
- All showers: 3 star (> 7.5 but <= 9 L/min).
 - All toilet flushing systems: 4 Star in dwellings.
 - All kitchen taps: 4 Star
 - All bathroom taps: 4 star
- Alternative Water**
- Rain Water Tank
 - 3000 L
 - Rainwater tank to collect rain runoff from at least 50 m² metres of the roof area.
 - Connection: Landscape, toilet, laundry

Energy

- Water**
- Hot water system: gas instantaneous - 7 star
 - Bathroom, kitchen, laundry ventilation systems: individual fan, ducted to facade or roof for each bathroom, manual switch control in all dwellings
- Coiling and Heating**
- Living, bedroom areas: 1-phase air conditioning ducted / EER 3.0 - 3.5
 - 2 Bathrooms, main kitchen
- Appliances other efficiency measures**
- Kitchen cooktop/oven: gas cooktop & 600mm
 - Drying line: indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
- Ground: slab on ground
 - 1st floor: suspended concrete, R2.5 insulation, unit 1 above garage only
 - 2nd floor: suspended concrete, unit 3 between levels
- Roof**
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- Walls**
- Ground: Cavity brick, foil board insulation, plaster timber 90mm(internal material)
 - 1st floor: Cavity brick, foil board insulation, plaster timber 90mm(internal material), bath R2.5 (internal insulated)
 - 2nd floor: Cavity brick, foil board insulation, Plaster timber 90mm(internal material)
 - Common internal walls: Cavity brick, Garage R2.5(internal insulated)
- Ceiling**
- All beds, (living unit 1, 3), 1200mm fan size

- Ground and mid levels: Concrete
- Top floor: plaster timber frame, R4.0 (insulation to roof above)
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

- Planner:** GSA
Landscaper: CONTOUR
Architect: FRANKHAM
Shadows: Cadrafit
Survey: AXON
Acoustic: Martin Peacock
Geotech: STS
Basix: FRYS

Common Office

58 Riley Street, Level 1
Darlinghurst NSW Australia
02 9055 9261
www.common-office.com
Nominated NSW Architect
William J McKen
NSW ARB 120511

Project
447 Old South Head Rd &
2a The Avenue
Rose Bay NSW 2029

Date
19-May-25

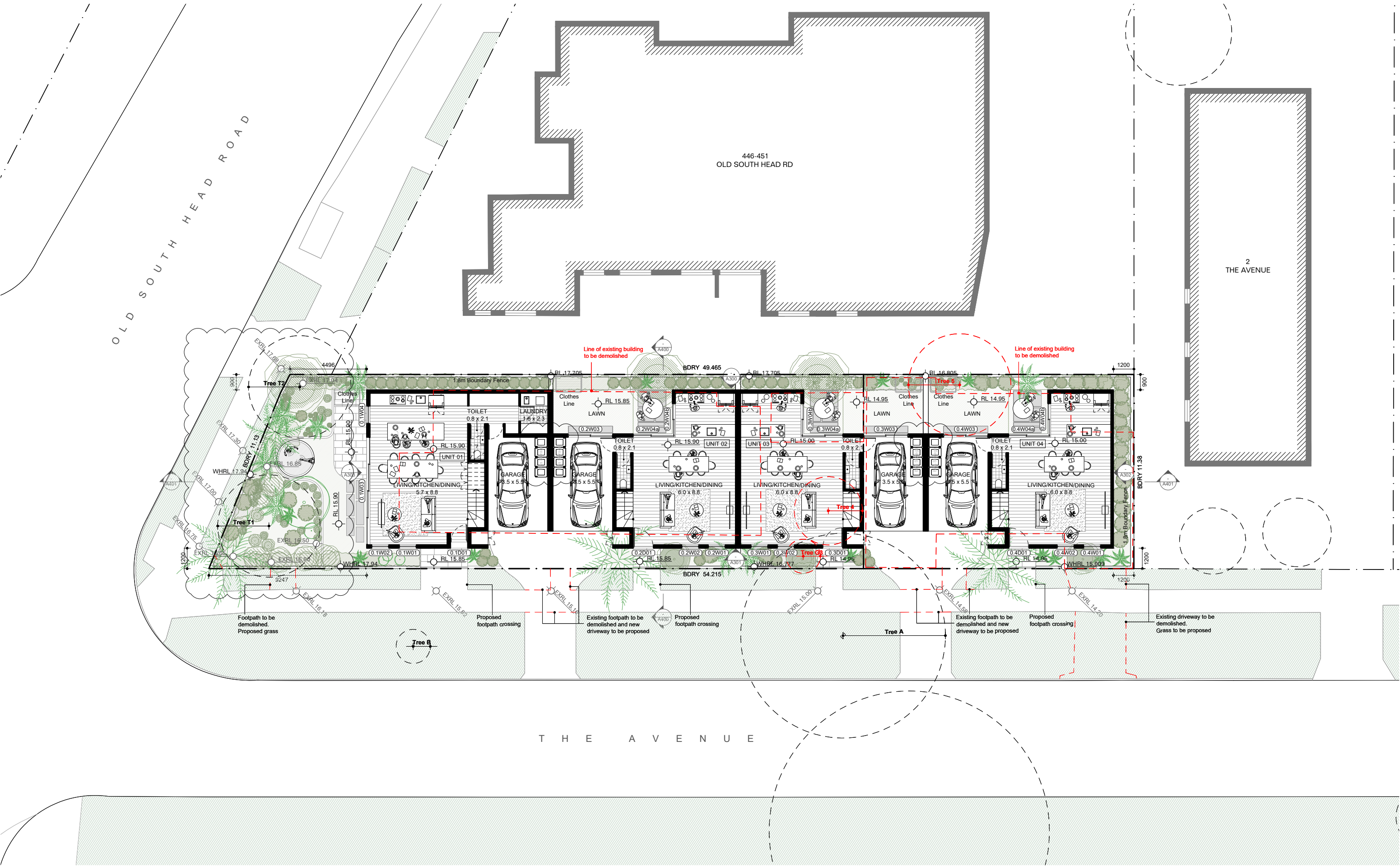
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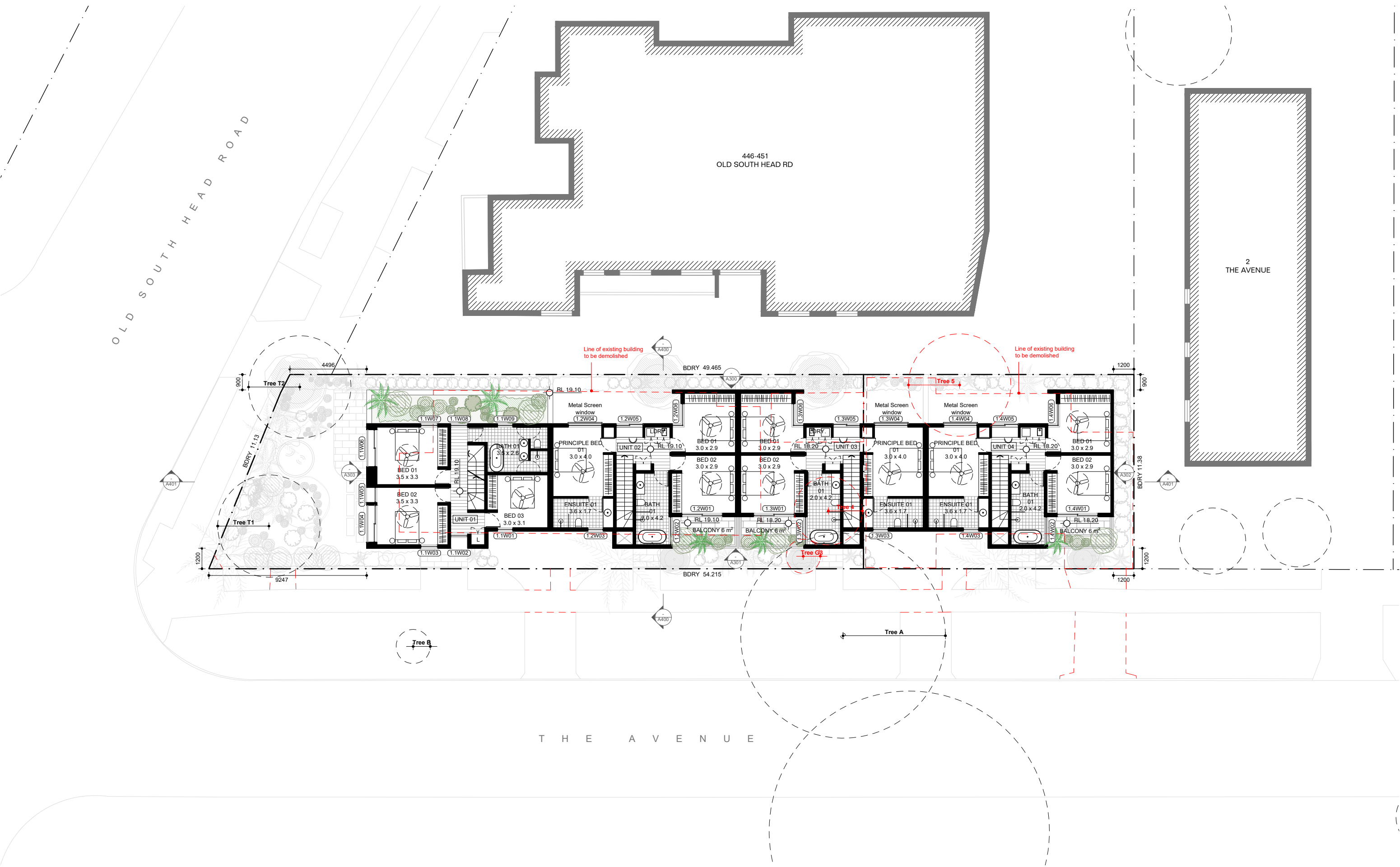
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RM, MH

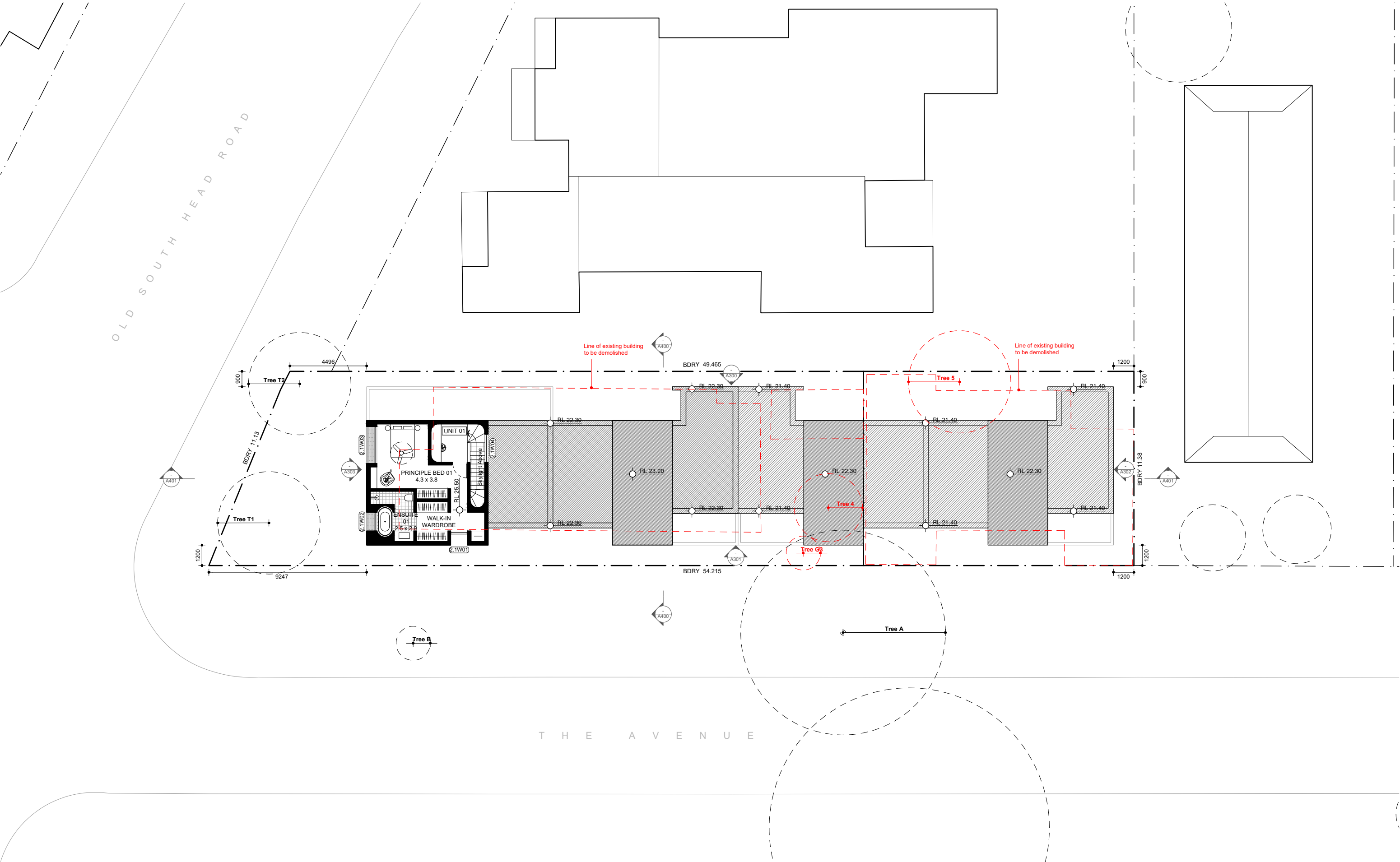
Drawing Site Plan

Project No
2414

Drawing No
DA100[01]







**For Development
Application:**
Not for Construction

Legend:
- - - - Existing to be demolished

Notes

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Basix:

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- Water**
- All showers: 3 star (> 7.5 but <= 9 L/min).
 - All toilet flushing systems: 4 Star in dwellings.
 - All kitchen taps: 4 Star
 - All bathroom taps: 4 star
- Alternative Water**
- Rain Water Tank
 - 3000 L
 - Rainwater tank to collect rain runoff from at least 50 m² metres of the roof area.
 - Connection: Landscape, toilet, laundry

Energy

- Water**
- Hot water system: gas instantaneous - 7 star
 - Bathroom, kitchen, laundry ventilation systems: individual fan, ducted to facade or roof for each bathroom, manual switch on/off in all dwellings
- Cooling and Heating**
- Living, bedroom areas: 1-phase airconditioning ducted / EER 3.0 - 3.5
 - Natural lighting
 - 2 Bathrooms, main kitchen
 - Appliances other efficiency measures
 - Kitchen cooktop/oven: gas cooktop & oven
 - Drying line: indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
- Ground: slab on ground
 - 1st floor: suspended concrete, R2.5 insulation, unit 1 above garage only
 - 2nd floor: suspended concrete, unit 3 between levels
- Roof**
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- Walls**
- Ground: Cavity brick, foil board insulation, plaster timber 90mm(internal material)
 - 1st floor: Cavity brick, foil board insulation, plaster timber 90mm(internal material), bath R2.5 (internal insulated)
 - 2nd floor: Cavity brick, foil board insulation, Plaster timber 90mm(internal material)
 - Common internal walls: Cavity brick, Garage R2.5(internal insulated)
- Ceiling**

- Ground and mid levels: Concrete
- Top floor: plaster timber frame, R4.0 (insulation to roof above)
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- Ceiling Fans
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

- Planner**
GSA
- Landscape**
CONTOUR
- FRAGHAM**
Shadows
- Cadsoft**
AXON
- Architect**
Martin Peacock
- Geotech**
STS
- Basix**
FRYS
- Traffic**
WONGALA

Common Office

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www.common-office.com
Nominated NSW Architect
William J McKen
NSW ARB 12051
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Project
447 Old South Head Rd &
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Rose Bay NSW 2029

Date
19-May-25

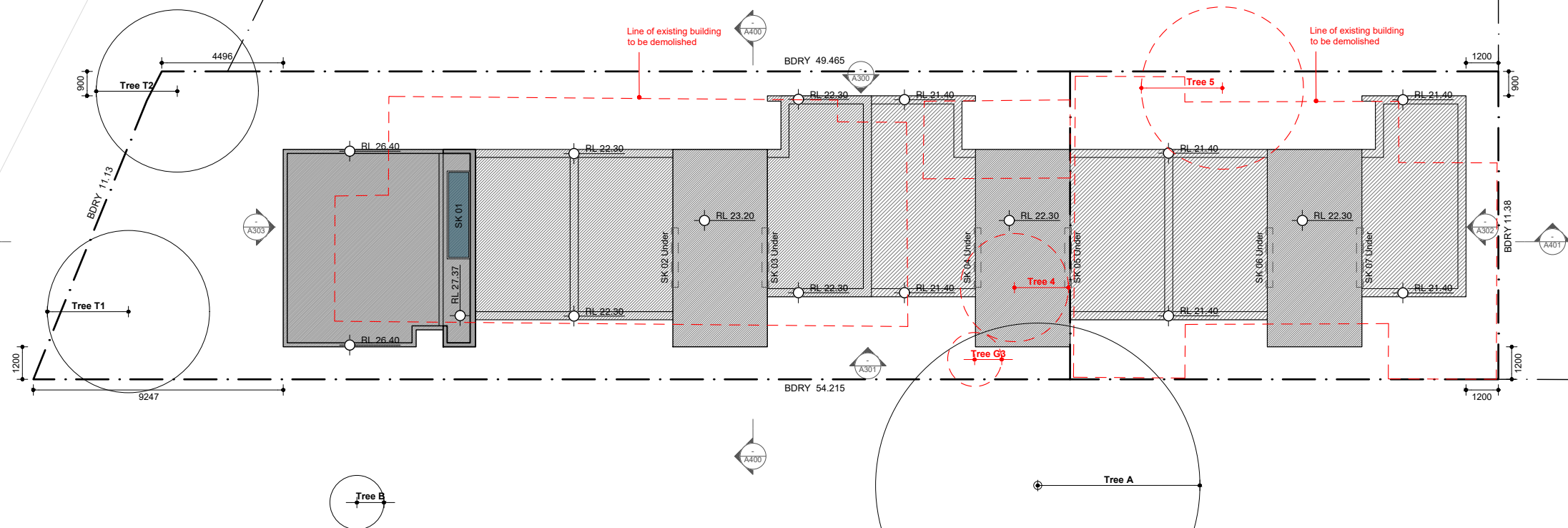
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RM, MH

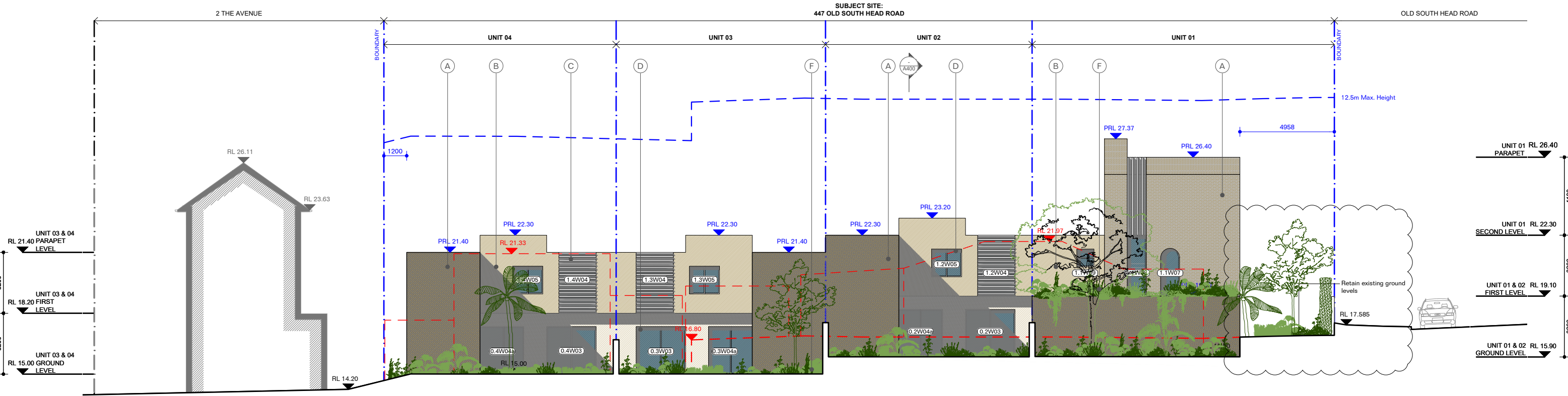
Drawing
Second Plan

Project No
2414

Drawing No
DA202[01]



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For Development Application:
Not for Construction

Legend:
--- Existing to be demolished

Notes

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Basix:

- NOTE: In addition to BASIX commitments, building compliance is required to comply with the New South Wales Additions in the current edition of the NCC, at the time of building. This includes New South Wales Part (A).
- Water Fixtures**
- All showers: 3 star (> 7.5 but <= 9 L/min).
 - All toilet flushing systems: 4 Star in dwellings.
 - All kitchen taps: 4 Star
 - All bathroom taps: 4 star
- Alternative Water**
- Rain Water Tank
 - Rainwater tank to collect rain runoff from at least 50 m² metres of the roof area.
 - Connection: Landscape, toilet, laundry

Energy

- Water**
- Hot water system: gas instantaneous - 7 star
 - Bathroom, kitchen, laundry ventilation systems: individual fan, ducted to facade or roof for each bathroom, manual switch on/off in all dwellings
- Cooling and Heating**
- Living, bedroom areas: 1-phase airconditioning ducted / EER 3.0 - 3.5
 - Natural lighting
- Appliances other efficiency measures**
- Kitchen cooktop/oven: gas cooktop & 4 star
 - Drying line: Indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
- Ground: slab on ground
 - 1st floor: suspended concrete, R2.5 insulation, unit 1 above garage only
 - 2nd floor: suspended concrete, unit 3 between levels
- Walls**
- Ground: Cavity brick, foil board insulation, plaster timber 30mm(internal material)
 - 1st floor: Cavity brick, foil board insulation, plaster timber 30mm(internal material), bath R2.5 (internal insulated)
 - 2nd floor: Cavity brick, foil board insulation, Plaster timber 30mm(internal material)
 - Common internal walls: Cavity brick, Garage R2.5(internal insulated)
- Ceiling**
- Ground and mid levels: Concrete
 - Top floor: plaster timber frame, R4.0 (insulation to roof above)

- Roof**
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- Ceiling Fans**
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

- Planner:** GSA
Landscaping: WONGALA
CONTOUR: FRAKHAM
Shadows: CADRAFT
Asphalt: AXON
Architect: Martin Peacock
General: STS
Basix: FRYS

Common Office

- 58 Riley Street, Level 1
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Nominated NSW Architect
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447 Old South Head Rd &
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Rose Bay NSW 2029

Date
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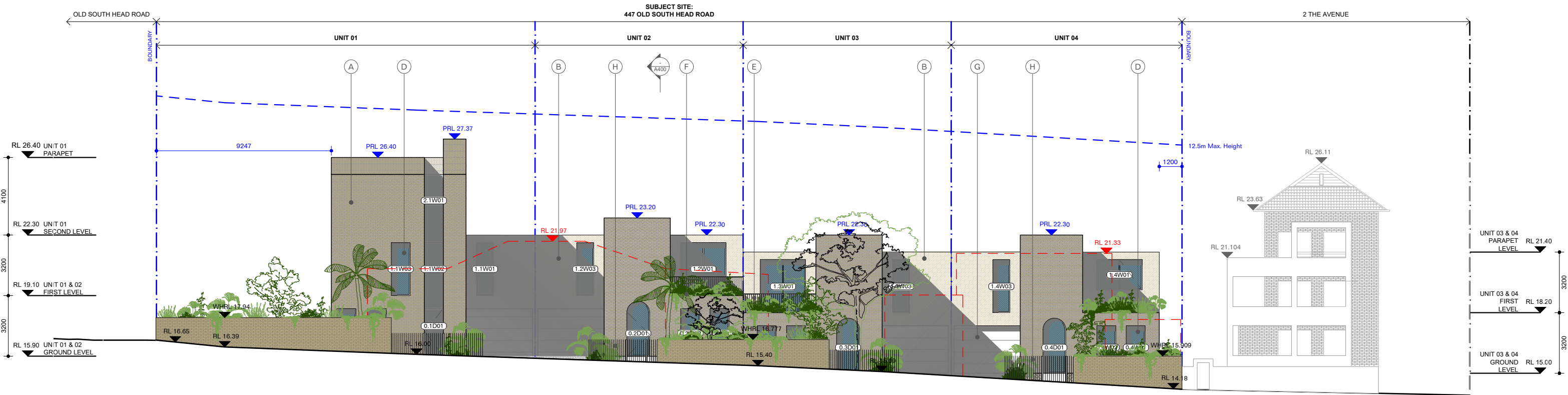
Drawn
RM, MH

Drawing North Elevation

Project No
2414

Drawing No
Rev

DA300[01]



For Development
Application:
Not for Construction

Legend:
--- Existing to be demolished

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 - All bathroom taps: 4 star
- Alternative Water**
- Rain Water Tank
 - 3000 L
 - Rainwater tank to collect rain runoff from at least 50 m² metres of the roof area.
 - Connection: Landscape, toilet, laundry

Energy

- Hot water system: gas instantaneous - 7 star
- Bathroom, kitchen, laundry ventilation systems: individual fan, ducted to facade or roof for each bathroom, manual switch on/off in all dwellings
- Cooling and Heating
- Living, bedroom areas: 1-phase airconditioning ducted / EER 3.0 - 3.5
- Natural lighting
- 2 Bathrooms, main kitchen
- Appliances other efficiency measures
- Kitchen cooktop/oven: gas cooktop & 600mm oven
- Drying line: indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
- Ground: slab on ground
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 - 2nd floor: suspended concrete, unit 3 between levels
- Walls**
- Ground: Cavity brick, foil board insulation, plaster timber 90mm(internal material)
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 - Common internal walls: Cavity brick, Garage R2.5(internal insulated)
- Ceiling**

- Ground and mid levels: Concrete
 - Top floor: plaster timber frame, R4.0 (insulation to roof above)
- Roof**
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- Ceiling Fans**
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

- Planner: GSA
Landscape: CONTOUR
FRAIGHAM
Shadows: Cadraff
Interior: AXON
Architect: Martin Peacock
Geotech: STS
BASIX: FRS
- Traffic: WONGALA

Common Office

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Project
447 Old South Head Rd &
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Date
19-May-25

Scale
1:200 at A3

Drawn
RM, MH

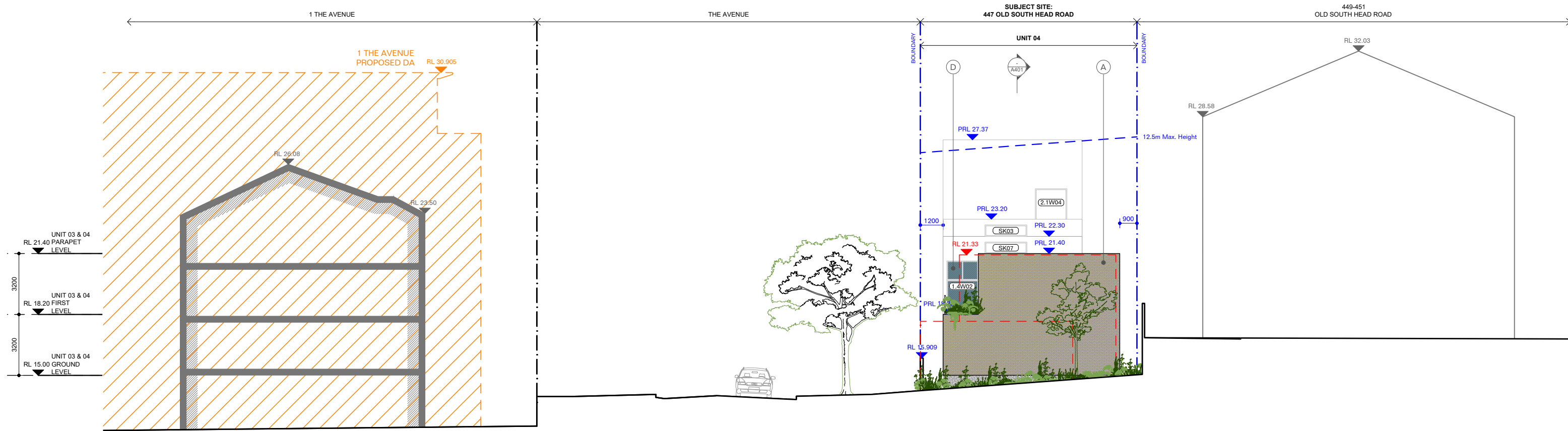
Drawing

South Elevation

Project No
2414

Drawing No
Rev

DA301[01]



For Development Application:
Not for Construction

Legend:
--- Existing to be demolished

Notes

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- Cooling and Heating
- Living, bedroom areas: 1-phase airconditioning ducted / EER 3.0 - 3.5
- Natural lighting
- 2 Bathrooms, main kitchen
- Appliances other efficiency measures
- Kitchen cooktop/oven: gas cooktop & 390mm
- Drying line: Indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
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- Ceiling Fans**
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

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Landscape: CONTOUR
FRAIGHAM
Shadows: Cadrafit
Axon: AXON
Architect: Martin Peacock
General: STS
BASIX: FRYS
- Traffic: WONGALA

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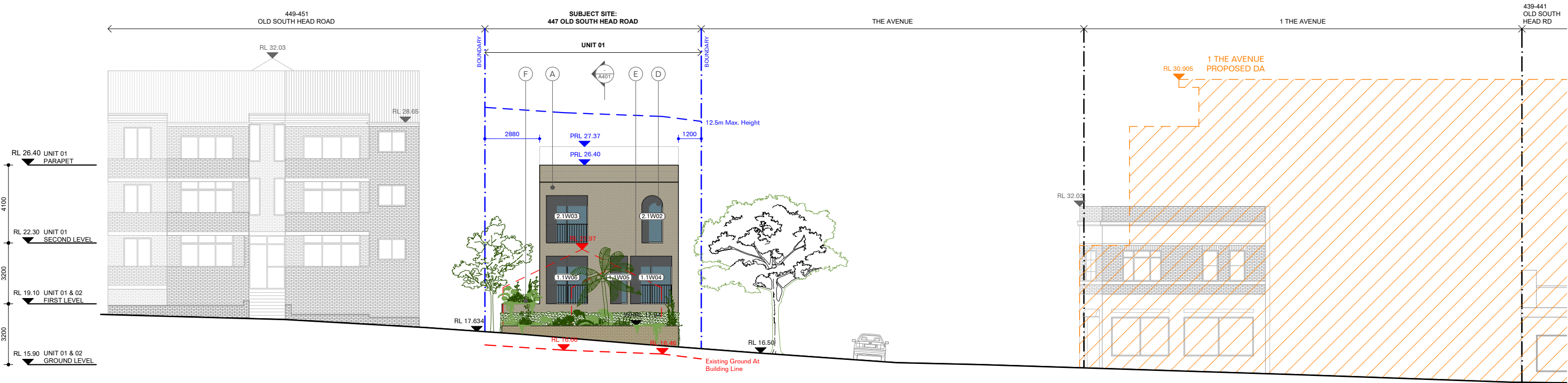
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Drawn
RM, MH

Drawing East Elevation

Project No
2414

Drawing No
DA302[01]



For Development Application:
Not for Construction

Legend:
--- Existing to be demolished

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- CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
- CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
- CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION

Basix:

- NOTE: In addition to BASIX commitments, building compliance is required to comply with the 'New South Wales Additions' in the current edition of the NCC, at the time of building. This includes New South Wales Part (A).
- Water**
- All showers: 3 star (> 7.5 but <= 9 L/min).
 - All toilet flushing systems: 4 Star in dwellings.
 - All kitchen taps: 4 Star
 - All bathroom taps: 4 Star
- Alternative Water**
- Rain Water Tank
 - 3000 L
 - Rainwater tank to collect rain runoff from at least 50 m² metres of the roof area.
 - Connection: Landscape, toilet, laundry

Energy

- Hot water system: gas instantaneous - 7 star
- Bathroom, kitchen, laundry ventilation systems: individual fan, ducted to facade or roof for each bathroom, manual switch on/off in all dwellings
- Cooling and Heating
- Living, bedroom areas: 1-phase airconditioning ducted / EER 3.0 - 3.5
- Natural lighting
- 2 Bathrooms, main kitchen
- Appliances other efficiency measures
- Kitchen cooktop/oven: gas cooktop & electric oven
- Drying line: indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
- Ground: slab on ground
 - 1st floor: suspended concrete, R2.5 insulation, unit 1 above garage only
 - 2nd floor: suspended concrete, unit 3 between levels
- Walls**
- Ground: Cavity brick, foil board insulation, plaster timber 90mm(internal material)
 - 1st floor: Cavity brick, foil board insulation, plaster timber 90mm(internal material), bath R2.5 (internal insulated)
 - 2nd floor: Cavity brick, foil board insulation, Plaster timber 90mm(internal material)
 - Common internal walls, Cavity brick, Garage R2.5(internal insulated)
- Ceiling**

- Ground and mid levels: Concrete
- Top floor: plaster timber frame, R4.0 (insulation to roof above)
- Roof
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- Ceiling Fans
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

- Planner: GSA
Landscape: CONTOUR
FRAIGHAM
Shadows: Cadrafit
Access: AXON
Architect: Martin Peacock
Geotech: STS
BASIX: FRS

Common Office

- 58 Riley Street, Level 1
Darlinghurst NSW Australia
02 9055 9281
www.common-office.com
Nominated NSW Architect
William J McKen
NSW ARB 12051

Project
447 Old South Head Rd &
2a The Avenue
Rose Bay NSW 2029

Date
19-May-25

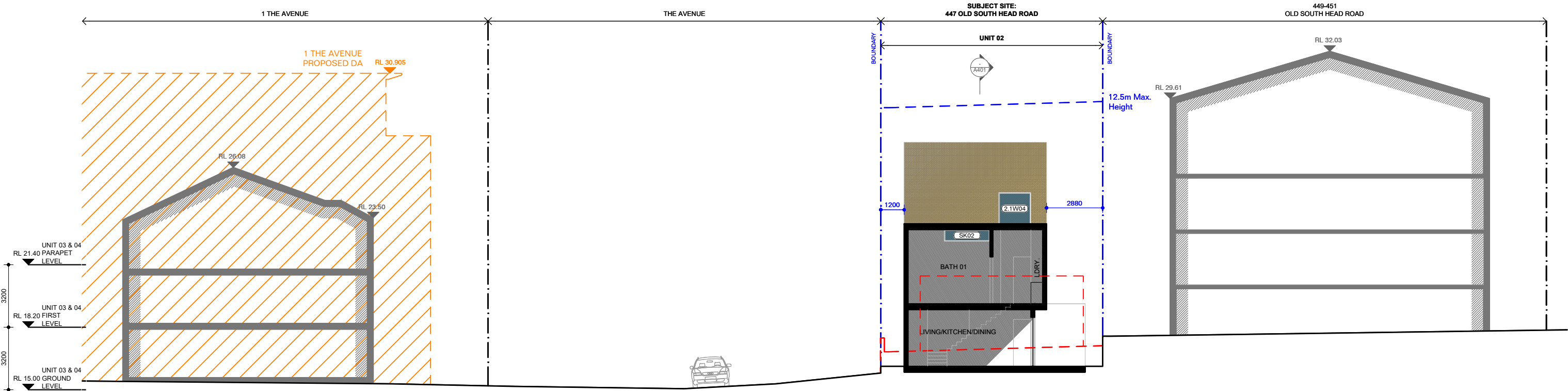
Scale
1:200 at A3

Drawn
RM, MH

Drawing
West Elevation

Project No
2414

Drawing No
DA303[01]



For Development Application:
Not for Construction

Legend:
--- Existing to be demolished

Notes

- ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
- CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
- CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
- DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
- CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION

- ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE
- ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

Basix:

- NOTE: In addition to BASIX commitments, building compliance is required to comply with the 'New South Wales Additions' in the current edition of the NCC, at the time of building. This includes New South Wales Part (A).
- Water**
- All showers: 3 star (> 7.5 but <= 9 L/min).
 - All toilet flushing systems: 4 Star in dwellings.
 - All kitchen taps: 4 Star
 - All bathroom taps: 4 star
- Alternative Water**
- Rain Water Tank
 - 3000 L
 - Rainwater tank to collect rain runoff from at least 50 m² metres of the roof area.
 - Connection: Landscape, toilet, laundry

Energy

- Water**
- Hot water system: gas instantaneous - 7 star
 - Bathroom, kitchen, laundry ventilation systems: individual fan, ducted to facade or roof for each bathroom, manual switch on/off in all dwellings
- Cooling and Heating**
- Living, bedroom areas: 1-phase airconditioning ducted / EER 3.0 - 3.5
 - Natural lighting
 - 2 Bathrooms, main kitchen
 - Appliances other efficiency measures
- 392mm**
- Kitchen cooktop/oven: gas cooktop & oven
 - Drying line: indoor or sheltered clothes drying line, private outdoor or unsheltered clothes drying line

Thermal Performance

- Floors**
- Ground: slab on ground
 - 1st floor: suspended concrete, R2.5 insulation, unit 1 above garage only
 - 2nd floor: suspended concrete, unit 3 between levels
- Walls**
- Ground: Cavity brick, foil board insulation, plaster timber 90mm(internal material)
 - 1st floor: Cavity brick, foil board insulation, plaster timber 90mm(internal material), bath R2.5 (internal insulated)
 - 2nd floor: Cavity brick, foil board insulation, Plaster timber 90mm(internal material)
 - Common internal walls: Cavity brick, Garage R2.5(internal insulated)
- Ceiling**

- Ground and mid levels: Concrete
- Top floor: plaster timber frame, R4.0 (insulation to roof above)
- 2nd floor: Anticon 50mm R1.3 insulation, Metal Glazing (refer to NatHERS and BASIX certificates for all external glazing)
- All beds, (living unit 1, 3), 1200mm fan size

Consultants:

- Planner:** GSA
Landscape: WONGALA
CONTOUR: AXON
FRAMING: AXON
SHADOWS: AXON
CAD/DRAFT: AXON
ARCHITECT: Martin Peacock
ENGINEER: STS
BASIX: FRS

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Nominated NSW Architect
William J McKen
NSW ARB 120511
- © Common Office Pty Ltd
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Project
447 Old South Head Rd &
2a The Avenue
Rose Bay NSW 2029

Date
19-May-25

Scale
1:200 at A3

Drawn
RM, MH

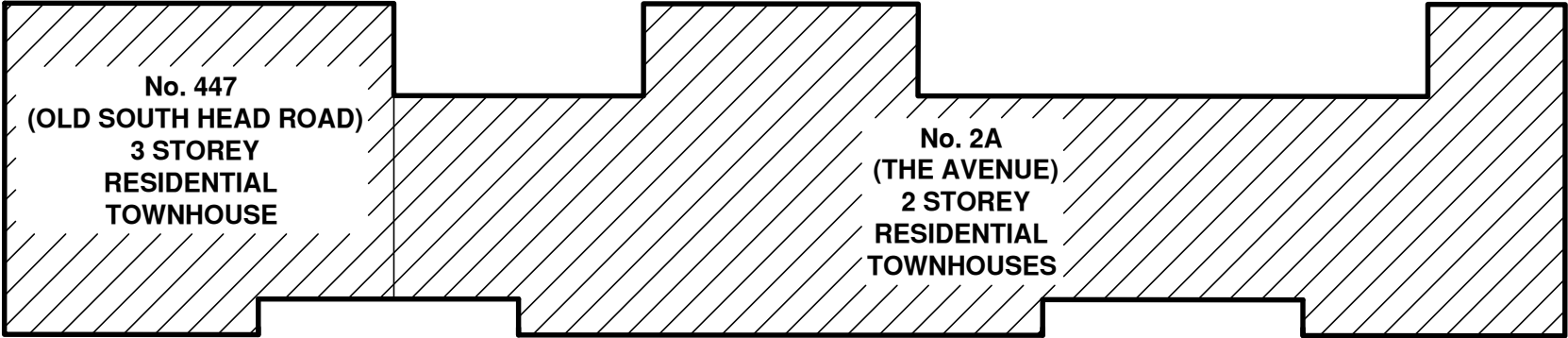
Drawing
Section A

Project No
2414

Drawing No
DA400[01]

LOCATION PLAN

OLD SOUTH HEAD ROAD



THE AVENUE

(A) EASEMENT TO DRAIN WATER 0.915 WIDE VIDE DEALING K822562

SURVEYOR
Name: SWS SURVEYORS
Date: 14-05-2025
Reference: 6003SP DRAFT-00

PLAN OF SUBDIVISION OF
LOTS A AND B IN DP104130

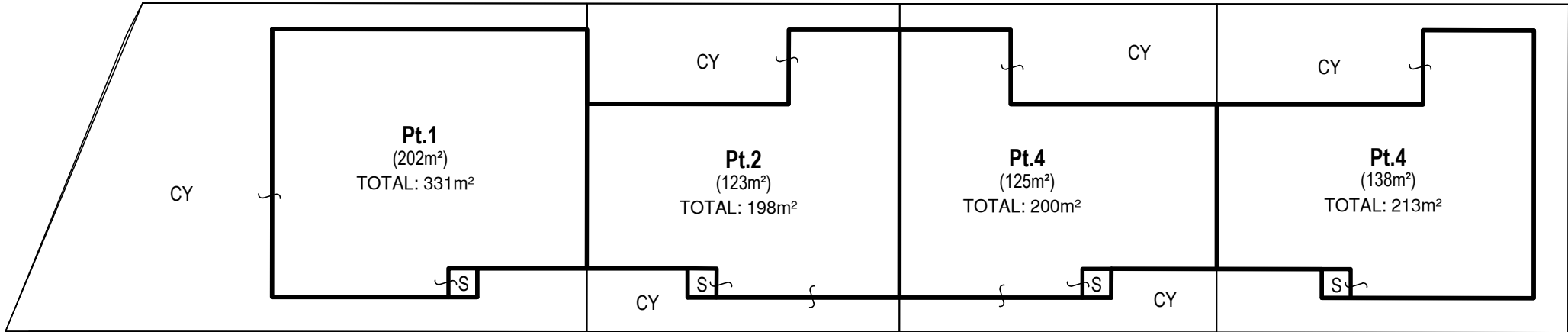
L.G.A.: WAVERLEY
Locality: ROSE BAY
Reduction Ratio: 1:200
Lengths are in metres.
394

Registered

DRAFT

	10	20	30	40	50	Table of mm	90	100	110	120	130	140
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GROUND FLOOR



NOTES

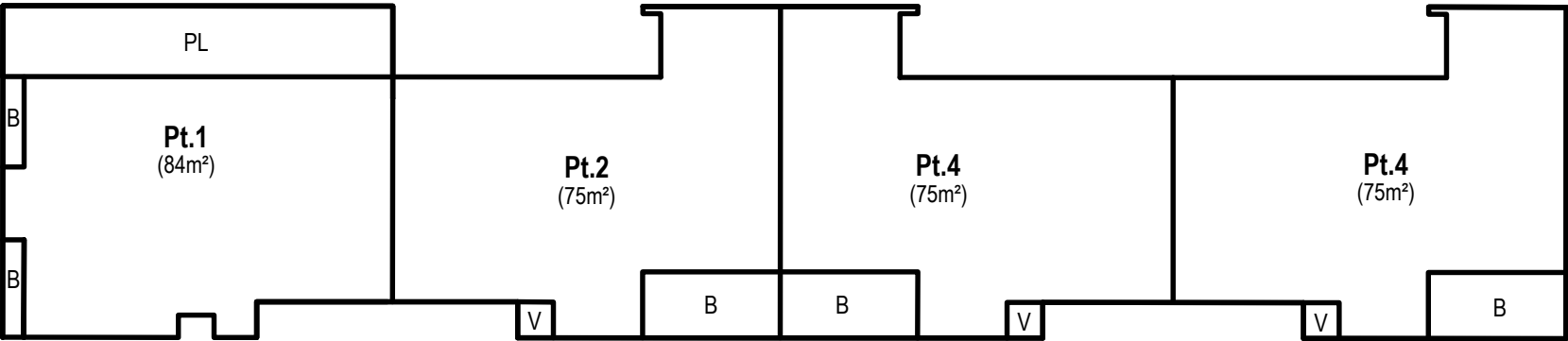
- 1) THE AREAS SHOWN ARE FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015 ONLY AND ARE APPROXIMATE
- 2) THE STRATUM OF EACH COURTYARD IS LIMITED IN HEIGHT TO 4.5 ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE GROUND FLOOR CONCRETE FLOORS, EXCEPT WHERE COVERED WITHIN THIS LIMIT.
- 3) ALL COMMON SERVICE LINES ARE COMMON PROPERTY
- 4) ANY SERVICE LINE THAT SERVICE ONE LOT BUT IS LOCATED WITHIN ANOTHER LOT IS COMMON PROPERTY.
- 5) THE FENCE ON THE COMMON BOUNDARY BETWEEN EACH LOTS IS COMMON PROPERTY.

CY denotes COURT YARD
S denotes STORAGE

<div>SURVEYOR</div> <div>Name: SWS SURVEYORS</div> <div>Date: 14-05-2025</div> <div>Reference: 6003SP DRAFT-00</div>	<div>PLAN OF SUBDIVISION OF</div> <div>LOTS A AND B IN DP104130</div>	<div>L.G.A.: WAVERLEY</div> <div>Locality: ROSE BAY</div> <div>Reduction Ratio: 1:200</div> <div>Lengths are in metres.</div> <div>395</div>	<div>Registered</div>	<div>DRAFT</div>
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	10	20	30	40	50	Table of mm	90	100	110	120	130	140
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FIRST FLOOR

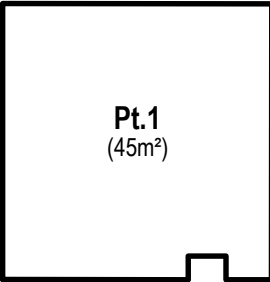


NOTES:-

- 1) THE STRATUM OF EACH PLANTER IS LIMITED IN HEIGHT TO 1 ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE FLOORS, EXCEPT WHERE COVERED WITHIN THIS LIMIT.
- 2) ANY SERVICE LINE WITHIN ONE LOT SERVICING ANY OTHER LOT IS COMMON PROPERTY
- 3) ALL AREAS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE PURPOSES OF STRATA SCHEMES DEVELOPMENT ACT 2015

B denotes BALCONY
V denotes VOID
PL denotes PLANTER

SECOND FLOOR



NOTES:-

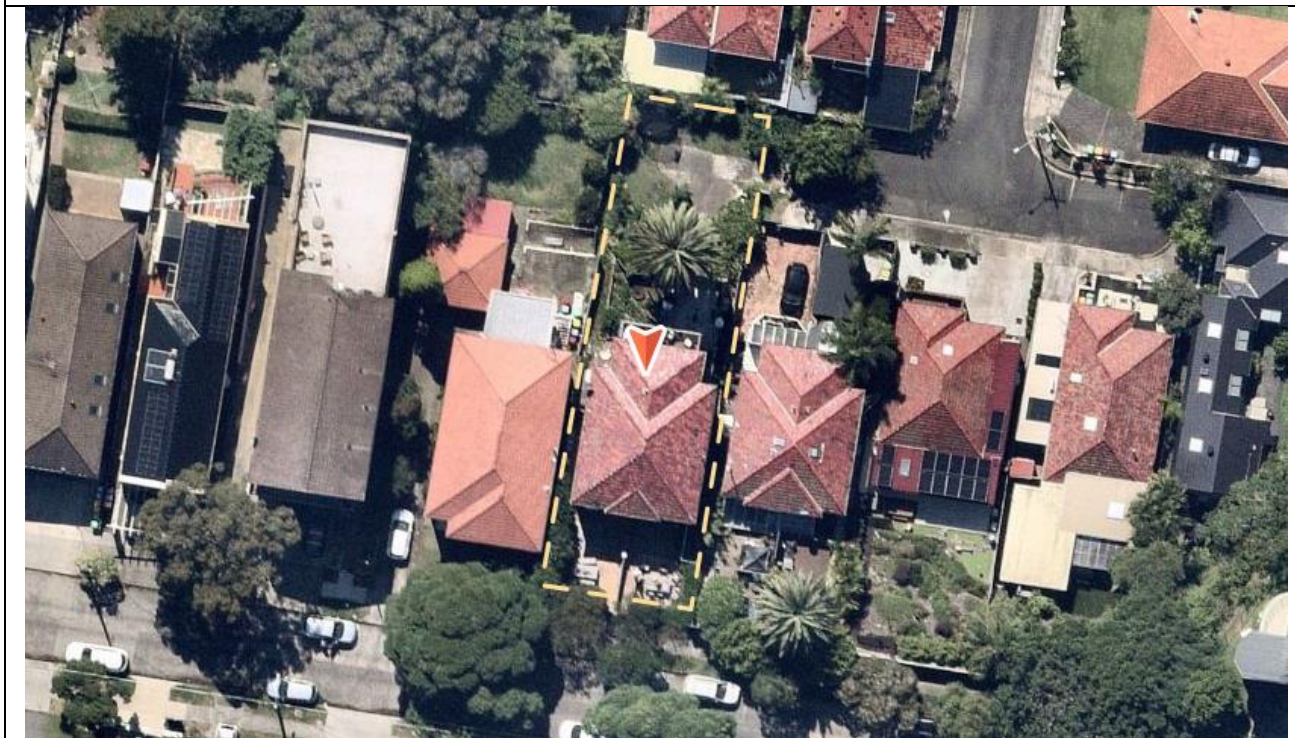
- 1. ANY SERVICE LINE WITHIN ONE LOT SERVICING ANY OTHER LOT IS COMMON PROPERTY
- 2. ALL AREAS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE PURPOSES OF STRATA SCHEMES DEVELOPMENT ACT 2015



Report to the Waverley Local Planning Panel

Application number	DA-30/2025
Site address	86 Chaleyer Street, Rose Bay
Proposal	Torrens title subdivision into two lots
Date of lodgement	26 February 2025
Owner	Properties of Strata Plan 38717
Applicant	Asquare Planning
Submissions	Nil
Cost of works	\$6,600
Principal Issues	<ul style="list-style-type: none"> Non-compliance with the minimum lot size development standard
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 conversion of a two lot Strata title subdivision to a two lot Torrens title subdivision at the site known as No. 86 Chaleyer Street, Rose Bay.

The principal issue arising from the assessment of the application is as follows:

- Non-compliance with the minimum lot size development standard of *Waverley Local Environmental Plan 2012*.

The assessment finds this issue acceptable as the proposed conversion of the Strata subdivided dual occupancy development to a two lot Torrens title subdivision will result in the use becoming a semi-detached dwelling, which is permissible in the R2 Low Density Residential zone and better conforms with the relevant objectives. As a result of the conversion from a Strata title allotment to a Torrens title allotment, a variation to the minimum lot size development standard is required. The submitted Clause 4.6 written justification has been considered to adequately demonstrate that the objectives of the R2 Low Density Residential zone and minimum lot size provisions under the *Waverley Local Environmental Plan (LEP) 2012* have been achieved.

The variation to the applicable minimum lot size development standard is largely the result of the existing built form subdivision pattern. The extent of the variation conforms largely to that of existing development, with similar sized Torrens title subdivided allotments within proximity to the site.

Furthermore, there are no proposed changes to the existing building as part of this DA-30/2025. Therefore, there are no potential visual and amenity impacts to neighbouring properties, the surrounding area or the integrity of the existing building.

No submissions were received during the notification or assessment of this application. No Councillor submissions were received, and no conflicts of interest were raised by Council officers.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 13 May 2025.

The subject site is legally identified as Lot 1 and Lot 2 in SP 38717, known as 86 Chaleyer Street, Rose Bay. The site is situated on the northern side of the road reserve with a primary frontage to Chaleyer Street and a rear vehicular access road via Onslow Place.

The allotment is rectangular in shape with a primary frontage (southern boundary) of 12.28m to Chaleyer Street, a rear (northern boundary) length of 12.28m and a site depth of 42.67m. The subject site has an area of 524m² and falls significantly from the front of the property (RL34.67) towards the rear (RL27.24) of the property by approximately 7.43m.

The subject site is currently occupied by a two storey Strata subdivided dual occupancy development with vehicular access provided from the rear via Onslow Place.

The site is adjoined by a two storey rendered brick Residential Flat Building (RFB) to the west and a two storey rendered brick dwelling house to the east. The locality is characterised by a variety of low to medium density residential developments and is within proximity to Rose Bay Secondary College.

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



Figure 1: The front façade of No. 86 Chaleyer Street, Rose Bay



Figure 2: Lot 1 (left) and Lot 2 (right) of No. 86 Chaleyer Street, Rose Bay



Figure 3: Rear façade of Lot 1 and Lot 2 of No. 86 Chaleyer Street, Rose Bay



Figure 4: Rear façade of Lot 1 and Lot 2 of No. 86 Chaleyer Street, Rose Bay



Figure 5: Existing separate lower ground floor terraces of Lot 1 and Lot 2 of No. 86 Chaleyer Street, Rose Bay



Figure 6: Existing rear vehicular access from Onslow Place to Lot 1 and Lot 2 of No. 86 Chaleyer Street, Rose Bay

1.3. Relevant Development History

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

- DA-59/2025 was returned for the alteration to the rear of Lot 1 with extending of basement and ground level, with minor internal replanning.
- DA-86/2025 was lodged on 8 April 2025 for the alterations and additions to a dual occupancy including extension of basement, ground and first floor levels. This development application is currently under assessment.

1.4. Proposal

The development application seeks consent for the two lot Torrens title subdivision of the site, and specifically includes the following:

- Lot 1, being 86A Chaleyer Street = 263m² with a front boundary of 6.2m; and
- Lot 2, being 86B Chaleyer Street = 255m² with a front boundary of 6.08m.

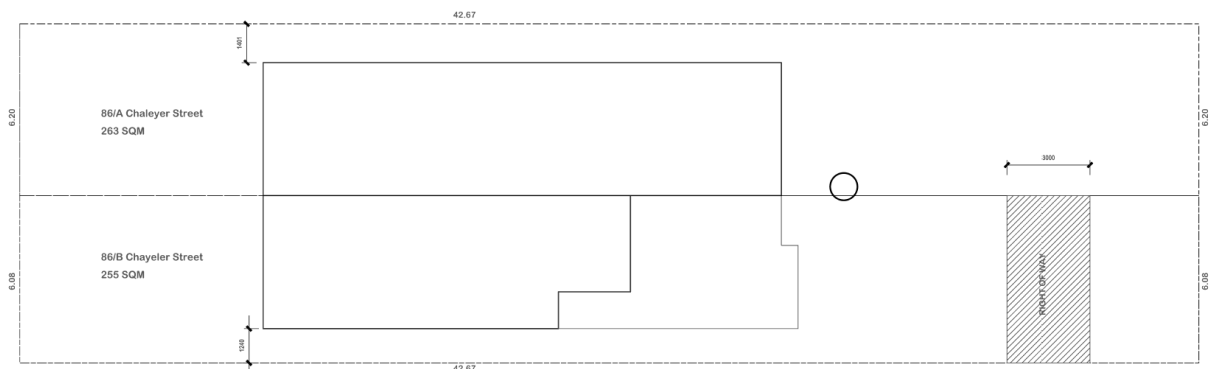


Figure 7: Proposed Plan of Subdivision.

1.5. Background

- The development application was lodged on 26 February 2025.
- The application was publicly notified from 12 March 2025 until 26 March 2025.
- A site visit was carried out on 13 May 2025.

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, as amended* (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)

There are no relevant SEPPs that apply to the proposed subdivision of land.

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

The relevant matters to be considered under the Waverley Local Environmental Plan (LEP) 2012 are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The application seeks consent for the two lot Torrens title subdivision of the site
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as Torrens title subdivision, which is permitted with consent in the R2 zone and is consistent with the zone objectives.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none">• 325m²	No	The proposal includes a Torrens title subdivision of the site and will result in Lot 1 having a site area of 263m ² and Lot 2 having a site area of 255m ² . Lot 1 will have a non-compliance with the minimum lot size standard of 325m ² , with a shortfall of 62m ² , equating to 19% variation to the development standard. Lot 2 will have a non-compliance

Provision	Compliance	Comment
		with the minimum lot size standard of 325m ² , with a shortfall of 70m ² , equating to a 21.5% variation.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to Clause 4.6 of Waverley LEP 2012 to vary the minimum subdivision lot size development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards - Minimum Lot Size

The application seeks to vary the minimum subdivision Lot Size development standard prescribed under Clause 4.1 of Waverley LEP 2012.

The site is subject to a minimum subdivision lot size development standard of 325m². The proposed Torrens title subdivision development has one lot size (Lot 1) of 263m², falling short of meeting the standard by 62m² equating to a 19% variation. Lot 2 proposes a site area of 255m², falling short of meeting the standard by 70m², equating to a 21.5% 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 minimum lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The non-compliance with the lot size would be indiscernible to a resident of the development, neighbour or from the public domain.*

- (i) *There are sufficient environmental planning grounds to justify the variation and that compliance with the standard would be unreasonable and unnecessary in the circumstances of this particular case.*
 - (ii) *The proposal will be in the public interest as it meets the objectives of the minimum subdivision lot size development standard. The subdivision as proposed is in keeping with the subdivision pattern for the locality, noting a high percentage of lots of similar size with larger lots interspersed.*
 - (iii) *The proposed subdivision will provide for the housing needs of the community in the future, which is not inconsistent with the low density residential environment, noting dwelling houses are a permissible form of development.*
 - (iv) *The proposed subdivision will assist with providing a variety of housing types within a low density residential environment.*
 - (v) *The proposal will allow for increased residential dwelling density. The proposal will allow for an increased supply of housing, that meets the needs of the population.*
 - (vi) *The proposal is for subdivision only, but the sites as proposed will allow for development which is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The lots as proposed are acceptable, having regard to existing adjoining and adjacent development, the building envelope controls and the zoning of the site (R2).*
 - (ii) *The subdivision as proposed is in keeping with the subdivision pattern for the locality, noting a high percentage of lots of similar size with larger lots interspersed.*
 - (iii) *Non-compliance with the standard would not contribute to the inappropriate development of the land with adverse environmental impacts.*
 - (iv) *Adequate provision for stormwater can be provided for each lot.*
 - (v) *Vehicular access has been provided to the site, at the rear via Onslow Place, with no impact on the existing situation as the vehicular access is existing.*
 - (vi) *The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone.*
 - (vii) *The subdivision as proposed is in keeping with the subdivision pattern for the locality, noting a high percentage of lots of similar size with larger lots interspersed. This is demonstrated in the figure below, extracted from the Applicant' Clause 4.6 report, showing approximate site areas and frontages.*

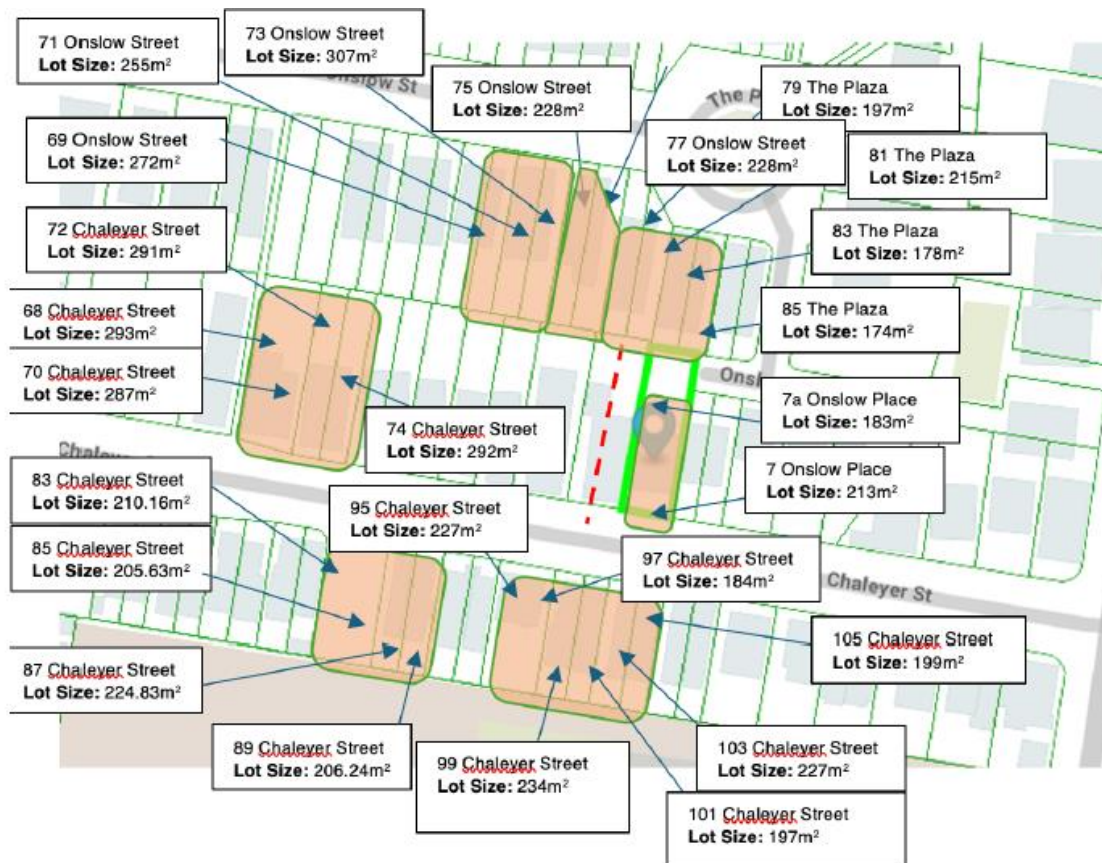


Figure 8: Extract of Applicant's Subdivision Pattern Map

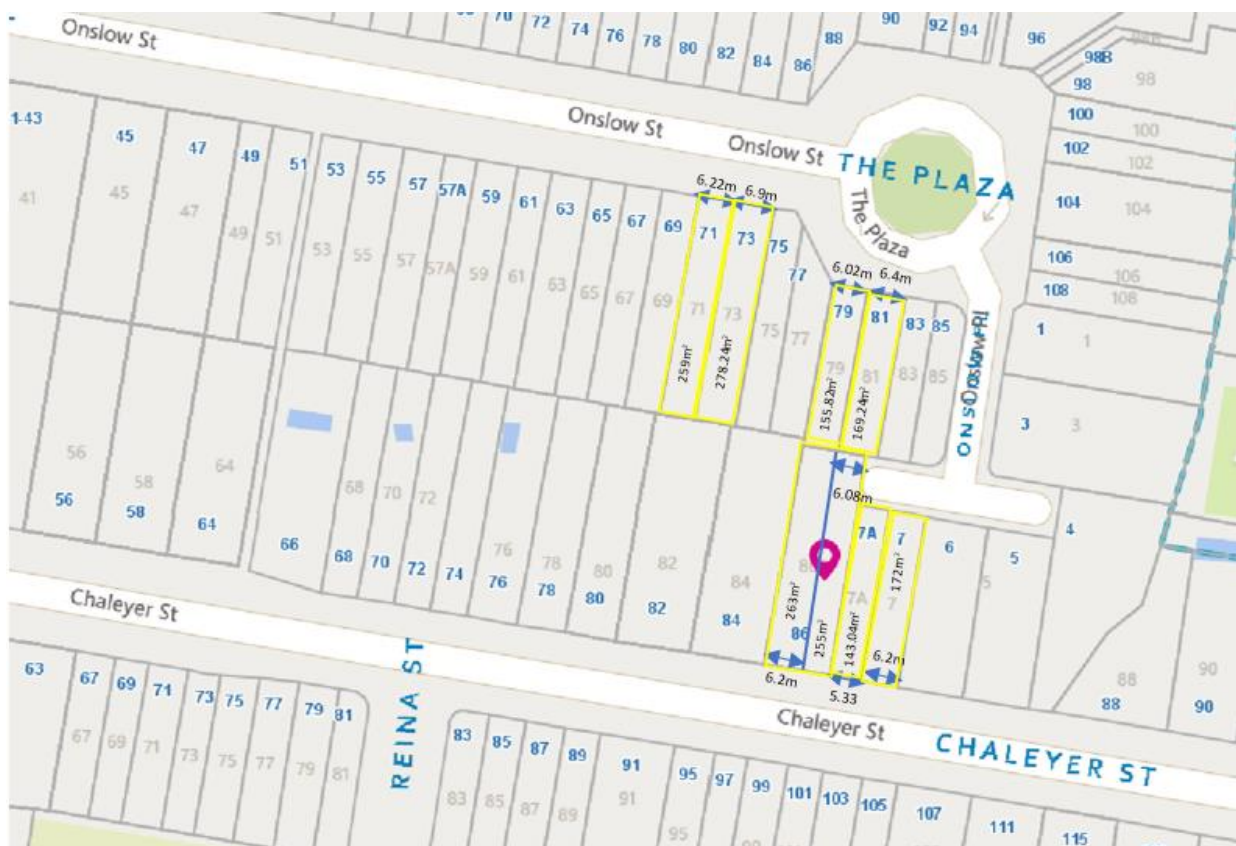


Figure 9: Subdivision Pattern showing lot widths and sizes

Consideration of Applicant's Written Request – Clause 4.5(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 Local Environmental Plan 2012 and the Applicant specifically relies upon justification of *Wehbe v Pittwater Council* (2007) 156 LGERA 446], by demonstrating similarly sized subdivision pattern within the immediate vicinity. The development proposes to convert the existing two lot Strata title allotment, with an existing dual occupancy development, into two (2) Torrens title allotments, creating a semi-detached dwelling, which is consistent and characteristic of surrounding lot sizes in the locality.

The proposed subdivision will not result in any measurable and discernible amenity impacts to the neighbouring properties or the locality. The proposed Torrens title subdivision will be aligned with the

surrounding subdivision pattern within the vicinity, which consists of modest semi-detached dwellings. The applicant's justification successfully argues that the objectives of the development standard are achieved.

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 subdivision is aligned with the surrounding subdivision pattern of the locality as demonstrated in **Figure 8**, provided by the Applicant, and **Figure 9 above**. The proposed Torrens title subdivision will facilitate residential development in a compatible and likely built form of semi-detached dwellings with no environmental impact to the neighbouring properties or the locality. The lots, as proposed, are acceptable and will increase the residential dwelling density of the site and provide for the housing needs of the community in the future, which is favoured within the R2 Low Density Residential zone.

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 minimum lot size development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

The objectives of the minimum lot size development standard are as follows:

- a) *To ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,*
- b) *To minimise the likely impact of subdivision and development on the amenity of neighbouring properties.*

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping*

The proposed Torrens title subdivision of the subject lot achieves the objectives of the development standard and the objectives of the R2 zone. The subdivision will not impact on the existing pattern within the area and will present with a minimum 6m frontage, similar to the northern lots ranging from No. 69 to No. 77 Onslow Street and to the east, being 7 and 7A Onslow Place. In addition, there are multiple lots that vary the minimum lot size development standard to the south, ranging from No. 83 Chaleyer Street to No. 105 Chaleyer Street. The development will maintain the housing needs within a low density residential environment. The Torrens title subdivision is compatible with surrounding lot sizes in the area and is supported.

Conclusion

For the reasons provided above, the requested variation to the minimum lot size development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 4.1 minimum lot size and the R2 Low Density Residential zone.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley Development Control Plan 2022 are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
7. Transport	Yes	<p>The proposed development would not alter the use or capacity of the existing built form. Notwithstanding, a 3m wide right-of-carriageway is proposed at the rear of Lot 2 (No. 86B) to provide for vehicular access to Lot 1 (No. 86A) from Onslow Place.</p> <p>The application was referred to Council's Traffic Engineer who raised no objection in relation to the proposed subdivision. Council's Traffic Officer deems the 3m wide Right of Way to be sufficient for a vehicle to traverse to the adjacent property.</p>
12. Subdivision	No (Clause 4.6 submitted)	Satisfactory. There is an existing Strata subdivided dual occupancy on the site that when Torrens title subdivided, will alter the use classification to semi-detached dwellings, The building envelope of the existing dual occupancy corresponds well within the site area, width and surrounding streetscape.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 12 March 2025 and 26 March 2025 and a site notice erected on the site, in accordance with the *Community Engagement Strategy 2023*.

No submissions were received during the notification or assessment of this application. No Councillor submissions were received, and no conflicts of interest were raised by Council officers.

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 referral comments were sought:

3.1. Land Information/ GIS

No issues raised and standard conditions have been recommended which are included at Appendix A.

3.2. Traffic and Development

The proposal was referred to Council's Traffic and Development team who raised no objection as the 3m wide right of way is sufficient for a vehicle to traverse to the adjacent property.

4. CONCLUSION

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


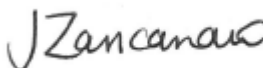
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 13 May 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, and Jo Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
Alexandra (Allie) Marks	Jo Zancanaro
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 16 May 2025	Date: 5 June 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data											
<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p>Lot 1 = 19% variation and Lot 2 = 21.5% to lot size (Clause 4.1)</p> <p>Reason (place a X next to <u>all</u> that apply):</p> <table border="1"> <tr> <td>X</td> <td>No change to overall building height</td> </tr> <tr> <td>X</td> <td>No change to overall building envelope</td> </tr> <tr> <td>X</td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td>X</td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td>X</td> <td>Consistent with the objectives of the standard</td> </tr> </table>	X	No change to overall building height	X	No change to overall building envelope	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
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X	No change to overall building envelope										
X	No unreasonable impacts on the amenity of adjoining properties or streetscape										
X	Sufficient environmental planning grounds										
X	Consistent with the objectives of the standard										
<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	<p>Local Planning Panel</p>										

Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the *EP&A Regulation*, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the *EP&A Act*. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition								
1.	APPROVED PLANS AND DOCUMENTATION								
	The development must be in accordance with: (a) Architectural Plans prepared by Architects Nicholas and Associates including the following:								
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>Rev. B</td><td>Proposed Subdivision Plan</td><td>August 2024</td><td>26/02/2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	Rev. B	Proposed Subdivision Plan	August 2024	26/02/2025
	Plan Number and Revision	Plan description	Plan Date	Date received by Council					
	Rev. B	Proposed Subdivision Plan	August 2024	26/02/2025					
Except where amended by the following conditions of consent.									
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.									
2.	PLAN DETAILS								
	No approval is granted or implied for any physical works regarding new vehicle crossings under this development consent. This development consent relates to the Torrens Title subdivision of the site into two lots only.								
	Condition reason: To ensure all parties are aware of the approved plans that applies to the development.								

**BUILDING WORK
BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

	Condition
3.	SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION
	<p>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.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of a Subdivision certificate.</p>
	Condition reason: To comply with the relevant legislation.
4.	SUBDIVISION CERTIFICATE
	<p>A Subdivision Certificate must be obtained from Council in accordance with of the <i>Environmental Planning and Assessment Act 1979</i> prior to the registration of the subdivision plans.</p>
	Condition reason: To comply with the relevant legislation.
5.	ALLOCATION OF STREET NUMBER
	<p>The subdivision of the property has led to the following allocation of primary address numbers for a Torrens title subdivision:</p> <ul style="list-style-type: none"> No. 86A Chaleyer Street for the fill in west allotment adjoining 84 Chaleyer Street. No. 86B Chaleyer Street for the fill in east allotment adjoining 7A Onslow Place. <p>The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Chaleyer Street.</p> <p>The primary address site numbers are to be positioned on the site prior to the issue of the Subdivision Certificate.</p>

	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.
	Condition reason: To ensure the property address is clearly identified.
6.	SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE
	A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of a Subdivision certificate.
	Condition reason: To ensure compliance with Section 73 Compliance Certificate under the Sydney Water Act 1994.

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

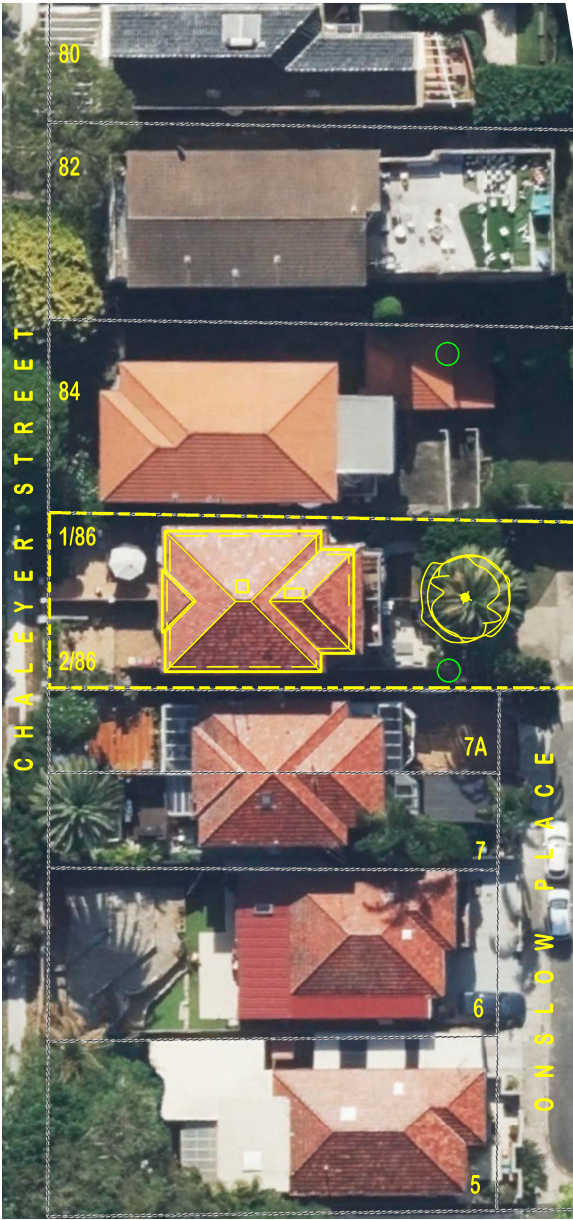
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

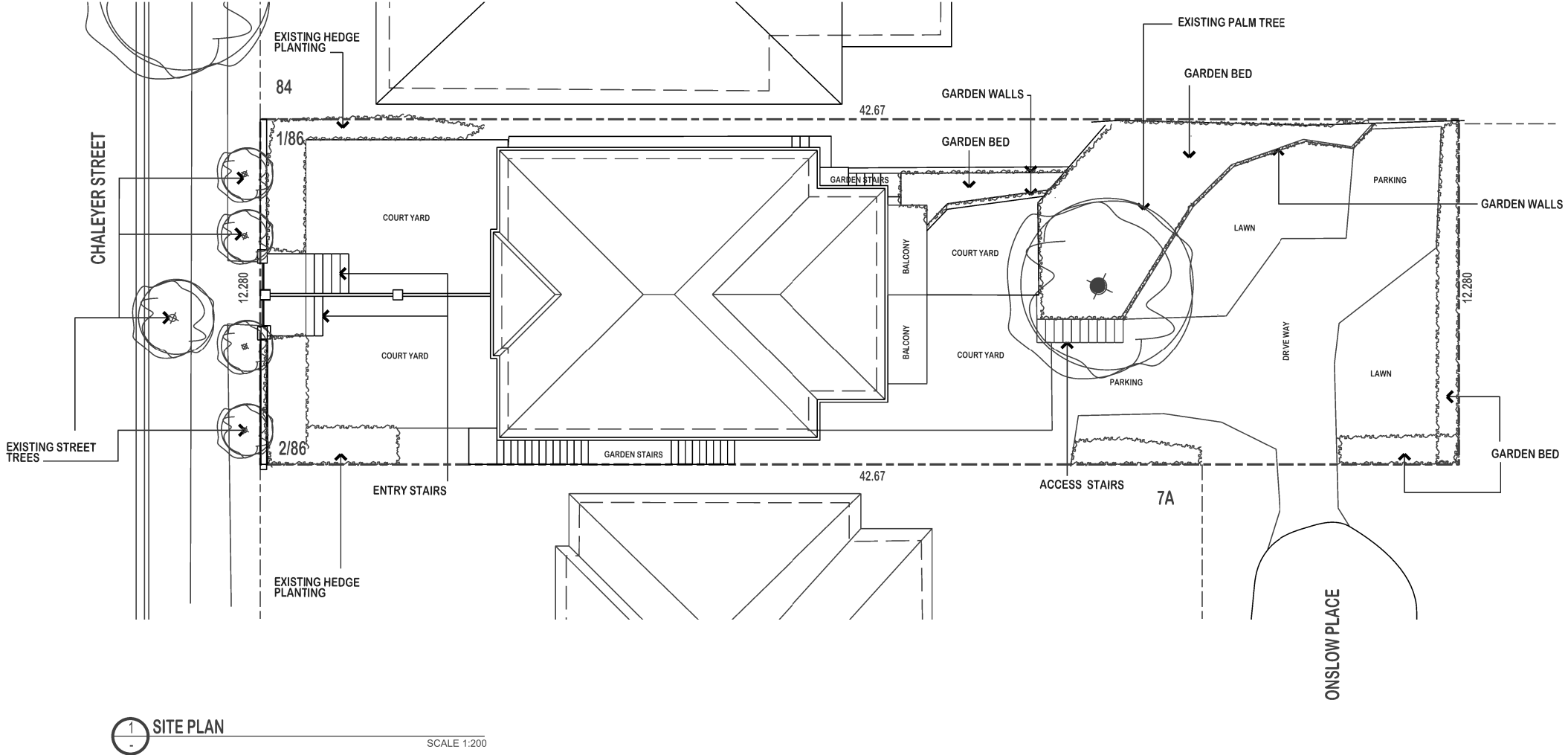
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.



1 LOCATION PLAN
SCALE NTS



C - SITE PLAN ADDED	22.02.25
B - SUBDIVISION APPLICATION DRAWING NEW STREET ADDRESSED ADDED	29.01.25
A - SUBDIVISION APPLICATION DRAWING	22.01.25



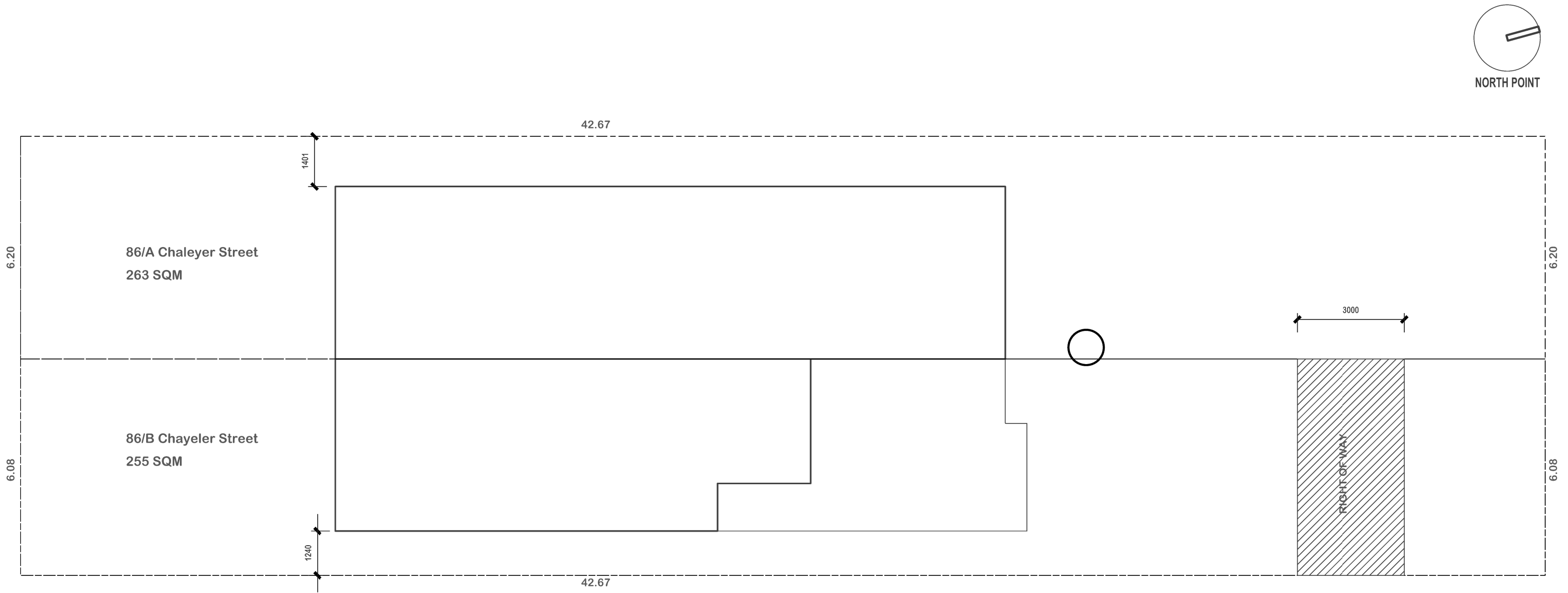
PROJECT 86 CHALEYER STREET
ROSE BAY NSW 2029
SUB DIVISION APPLICATION

CLIENT	STRATA PLAN 38717
TITLE	AS SHOWN
SCALE	AS SHOWN @ A3
DATE	AUGUST 2024
DRAWN	BVDP
DRAWING	SHEET
REVISION	C

Do not scale off this drawing. Use figure dimensions only
Verify all dimension on site prior to construction

21/99 MACLEAY STREET POTTS POINT NSW 2011 abn 41560756772
phone0412809331 emailbrian@bvdp.com.au

RECEIVED
Waverley Council
Receipt No: DA-30/2025
Date Received: 26/02/2025



1 PROPOSED SUBDIVISION PLAN
NTS

RECEIVED
Waverley Council

Receipt No: DA-30/2025

Date Received: 26/02/2025

B - SUBDIVISION APPLICATION DRAWING NEW STREET ADDRESSED ADDED	29.01.25
A - SUBDIVISION APPLICATION DRAWING	22.01.25



PROJECT	86 CHAYELER STREET ROSE BAY NSW 2029 SUB DIVISION APPLICATION		
CLIENT	STRATA PLAN 38717		
TITLE	AS SHOWN		
SCALE	AS SHOWN @ A3		
DATE	AUGUST 2024		
DRAWN	BVDP		
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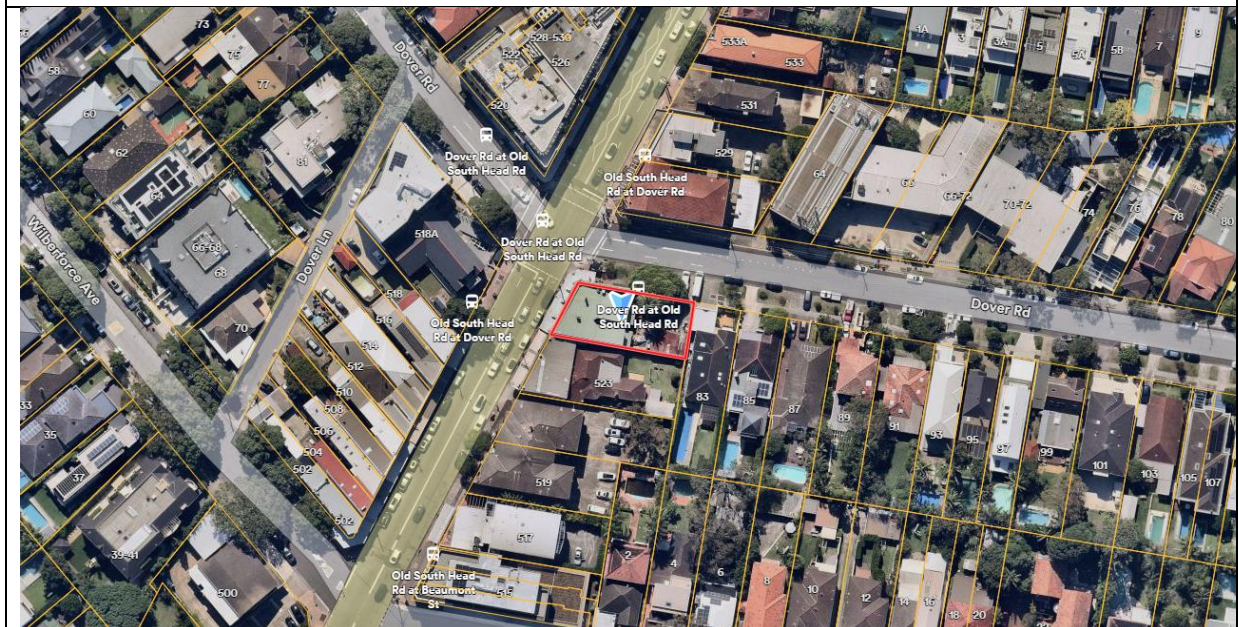


Other Residential Development

Report to the Waverley Local Planning Panel

Application number	DA-556/2024
Site address	525 Old South Head Road, Rose Bay
Proposal	Demolition of the existing structures and construction of a new shop-top housing building with basement parking, landscaping and associated works.
Date of lodgement	5 November 2024
Owner	Fredless Investments Pty Limited
Applicant	Srh Architecture Pty Ltd
Submissions	Five unique submissions from six properties
Cost of works	\$6,861,592
Principal Issues	<ul style="list-style-type: none"> • Visual privacy for neighbours • Solar access for neighbours • Excavation adjacent to side boundary
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 demolition of the existing structures and construction of a new shop-top housing building with basement parking, landscaping and associated works at the site known as 525 Old South Head Road.

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

- Visual privacy for neighbours,
- Solar access for neighbours, and
- Excavation adjacent to side boundary.

The assessment finds these issues acceptable subject to conditions of consent requiring additional privacy screening and requiring the supervision and monitoring of excavation by an engineer.

A total number of five unique submissions were received from six properties 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 6 March 2025.

The site is identified as Lot 1 DP 70751, known as 525 Old South Head Road, Rose Bay.

The site is irregular in shape with a primary frontage of 15.5m to the east side of Old South Head Road and a secondary frontage of 31.1m to the south side of Dover Road. It has an area of 493.2m². Levels fall at the site from east to west by approximately 1m.

The site is occupied by a two storey shop top housing development, with two retail units at ground floor level and one dwelling at first floor level. The rear setback features hardstand parking, a single storey garage structure accessed from Dover Road, and landscaped area.

The site is adjoined to the south by a part two-storey part one-storey commercial and residential building to the south which includes multiple flats. The site is adjoined to the east by a single storey dwelling house at 83 Dover Road.

The site is located within Rose Bay South local centre. The locality is characterised by a variety of commercial, low density residential and medium density residential development including three and four storey shop top housing developments.

Figures 1 to 4 are photos of the site and its context.



Figure 1: Site viewed from corner of Old South Head Road and Dover Road, looking south-east



Figure 2: Site viewed from corner of Old South Head Road and Dover Road, looking east



Figure 3: Site viewed from Dover Road, looking south-west



Figure 4: Neighbouring development on western side of Old South Head Road, viewed from Old South Head Road looking west

1.3. Relevant Development History

A search of Council's records revealed no relevant development history for the site or for adjacent sites.

1.4. Proposal

The development application seeks consent for demolition of existing structures and construction of a five storey shop top housing development (8 units) featuring 2 affordable housing units, with basement parking accessed from Dover Road via a driveway and car lift.

The following is a detailed description of the proposed works:

Demolition:

- Demolition of existing two storey main building fronting Old South Head Road, and
- Demolition of single storey garage building located at south-east corner of the site.

Basement 2:

- Six parking spaces,
- One motorcycle parking space,
- Residential storage cages,
- Main switchboard room,
- Vehicle lift plant room,
- Vehicle lift, pedestrian lift, and stairs.

Basement 1:

- Five parking spaces, including one accessible space and two visitor spaces,
- Two motorcycle parking spaces,
- Residential waste storage room and associated bulky waste storage room,
- Storage cage, and
- Vehicle lift.

Ground floor:

- 107 m² commercial unit fronting Old South Head Road and Dover Road,
- 19 m² commercial unit fronting Dover Road,
- Pump room,
- Services room,
- Commercial waste room,
- Rainwater tank and service room,
- Booster assembly,
- Bicycle parking,
- Vehicle lift accessed from Dover Road via driveway within rear setback,
- Removal of one *Olea europaea subsp. cuspidata* (African Olive) tree,
- Relocation of one *Phoenix canariensis* (Phoenix Palm) tree within the site,
- Landscaping and deep soil areas within rear setback,
- Communal open space within rear setback.

First floor:

- 2 x 2 bedroom units, including 1 affordable unit,
- 1 x 3 bedroom unit (lower level of unit),
- Semi-open lobby, and
- Lift and staircase.

Second floor:

- 2 x 2 bedroom units, including 1 affordable unit,
- 1 x 3 bedroom unit (upper level of unit),
- Semi-open lobby, and
- Lift and staircase.

Third floor:

- 1 x 2 bedroom unit,
- 1 x 3 bedroom unit,
- Semi-open lobby, and
- Lift and staircase including private staircase access to unit 8 on the fourth floor.

Fourth floor:

- 1 x 3 bedroom unit,
- Private staircase access to unit and lift.

Roof:

- Lift overrun,
- Photovoltaic panels,
- Plant equipment.

1.5. Background

The development application was lodged on 5 November 2024. The applicant voluntarily provided amended plans on 23 January 2025 in response to comments from the Waverley Design Excellence Advisory Panel.

Council deferred the determination of the application on 20 March 2025, and requested amended plans and documentation to address the following issues:

1. The gross floor area (GFA) of the development must be reduced, and the floor space ratio (FSR) recalculated to demonstrate compliance with the relevant development standard.
2. Additional documentation must be provided demonstrating compliance with the height of buildings development standard.
3. The rear part of the building must be set back 1.5m from the southern side boundary to comply with the relevant setback control.
4. Additional privacy screening must be provided to the east and south elevation.
5. Accurate solar access diagrams are required.
6. Minor changes and additional information are required regarding visitor parking, residential storage area, fence heights, mechanical plant, sanitary provision and tree transplantation.
7. Additional information is required regarding impacts on the adjoining building at 523 Old South Head Road.

8. Additional information is required demonstrating the development is compatible with the flood classification of the land.

The amended plans received on 10 April 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows.

SEPP (Transport and Infrastructure) 2021

Table 1: Chapter 2 Infrastructure

Clause / control	Compliance	Comment
Subdivision 2 Development in or adjacent to road corridors and road reservations		
2.119 Development with frontage to classified road		
<ul style="list-style-type: none"> • <i>Vehicular access to be provided by a road other than a classified road where practicable and safe</i> 	Yes	The proposal provides vehicle access from a secondary road, and not from the classified road at Old South Head Road.
<ul style="list-style-type: none"> • <i>No adverse affect as a result of vehicle access, smoke or dust from development, or from traffic generated by the development</i> 	Yes	The proposal will not result in a significant traffic impact due to its scale, and will not result in other impacts on the classified Road.
	Yes	

Clause / control	Compliance	Comment
<ul style="list-style-type: none"> Development not to be sensitive to traffic noise or emissions, and to be appropriately designed and located to ameliorate potential sensitivity 		The proposed residential development is appropriate for the scale and traffic volume of Old South Head Road. No special design measures are required in these circumstances.

SEPP (Housing) 2021

Table 2: Affordable housing, Part 2 Development for affordable housing, Division 1 In-fill affordable housing

Clause / control	Compliance	Comment
16 Affordable housing requirements for additional floor space ratio		
<ul style="list-style-type: none"> Percentage of development dedicated as affordable housing = additional floor space ratio (as a percentage) ÷ 2 	Yes	<p>15% of the development is dedicated to affordable housing, therefore the development is eligible for 30% additional floor space ratio (FSR) and gross floor area (GFA) above that permitted by Waverley Local Environmental Plan (WLEP) 2012 clause 4.4.</p> <p>WLEP 2012 permits an FSR of 1.5:1 and a GFA of 739.8m² for the site.</p> <p>SEPP (Housing) 2021 therefore permits 30% more than the figures above, resulting in permitted FSR of 1.95:1 and permitted GFA of 961.7m².</p> <p>The proposal has an FSR of 1.95:1 and a GFA of 961.4m², in compliance with the development standard.</p>
<ul style="list-style-type: none"> Additional building height (as a percentage) = additional floor space ratio (as a percentage) 	Yes	<p>The development is eligible for 30% additional floor space ratio (FSR) and is therefore also eligible for 30% additional building height above that permitted by WLEP 2012 clause 4.3.</p> <p>WLEP 2012 permits a building height of 13m.</p> <p>SEPP (Housing) 2021 permits a building height of 16.9m.</p> <p>The proposal has a maximum height of 16.8m, in compliance with the development standard.</p>

19 Non-discretionary development standards		
<ul style="list-style-type: none"> • <i>Minimum site area of 450m²</i> 	Yes	493.2m ² site area
<ul style="list-style-type: none"> • <i>Minimum landscape area the lesser of 35m² per dwelling or 30% of site area = 147.96m²</i> 	No	83 m ² (17%) proposed, contrary to the development standard. The applicant has submitted a written request for an exception to the development standard under WLEP 2012 clause 4.6. See under the WLEP 2012 compliance table below for further discussion.
<ul style="list-style-type: none"> • <i>the following number of parking spaces for dwellings used for affordable housing—</i> <ul style="list-style-type: none"> • <i>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces</i> • <i>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces = 1 space,</i> • <i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space</i> 	Yes	The proposal includes two x 2 bedroom affordable housing dwellings, and therefore 1 parking space is required. A condition of consent requiring the allocation of 1 parking space to an affordable unit is included within the conditions at Appendix A.
<ul style="list-style-type: none"> • <i>the following number of parking spaces for dwellings not used for affordable housing—</i> <ul style="list-style-type: none"> • <i>for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> • <i>for each dwelling containing 2 bedrooms—at least 1 parking space = 3 spaces,</i> • <i>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces = 4.5 spaces,</i> 	Yes	The development standard requires 8 parking spaces for dwellings not used for affordable housing. 8 spaces are proposed for such dwellings, and therefore the proposal complies.
<ul style="list-style-type: none"> • <i>the minimum internal area, if any, specified in the Apartment Design Guide for</i> 	Yes	The proposed internal area of the dwellings comply with the requirements of the Apartment Design Guide.

<i>the type of residential development,</i>		
20 Design requirements		
<ul style="list-style-type: none"> • <i>Consideration of whether the design of the residential development is compatible with—</i> <ul style="list-style-type: none"> • <i>(a) the desirable elements of the character of the local area, or</i> • <i>(b) for precincts undergoing transition—the desired future character of the precinct.</i> 	Yes	The development is compatible with the desired future character of the area. The scale of development is appropriate for the site, and the design of the development is of a high quality.
21 Must be used for affordable housing for at least 15 years		
<ul style="list-style-type: none"> • <i>Affordable housing must be provided for at least 15 years</i> 	Yes	Appendix A includes conditions of consent requiring the affordable units to be provided as affordable housing for a minimum of 15 years.

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 4 December 2024. The DEAP's comment of the proposed development against the nine design quality principles under the Apartment Design Guide and a planning response to each comment are set out in **Table 3** of this report.

Table 3: Assessment against the Nine Design Quality Principles

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<ul style="list-style-type: none"> • A three storey built form with an additional two storeys set back at the upper levels is supported • The upper two storeys should share the same setbacks, and should not have a two-stepped approach 	<p>The development has been amended in line with the panel's comments.</p> <p>The proposal is appropriate to its context.</p>
2. Built form and Scale	<ul style="list-style-type: none"> • A landscape buffer is required at the rear • The Dover Road frontage should be amended to create an active frontage • Residential pedestrian access to Old South Head Road should be considered 	<p>The development has been amended to create an active frontage to Dover Road, to add residential pedestrian access to Old South Head Road and to provide a continuous awning.</p> <p>A landscape buffer is provided at the rear, and the applicant states the lift</p>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> A continuous awning should be provided The lift overrun should be accurately depicted 	<p>overrun is accurately depicted on drawings.</p> <p>The built form and scale is appropriate for the location of the development.</p>
3. Density	<ul style="list-style-type: none"> The proposed density is supported 	The proposal complies with the relevant floor space ratio development standard and is appropriate for the site.
4. Sustainability	<ul style="list-style-type: none"> Ceiling fans, a rainwater tank, a photovoltaic system and electric vehicle charging should be provided 	<p>Sustainability measures have been included as per the panel's recommendation.</p> <p>The proposal is a sustainable development.</p>
5. Landscape	<ul style="list-style-type: none"> A more ecologically diverse planting mix should be proposed The proposed tree transplanting should be checked by Council 	<p>The landscape plans have been amended to provide a more diverse mix of species, and a tree transplant method statement has been provided.</p> <p>The proposed landscaping is appropriate.</p>
6. Amenity	<ul style="list-style-type: none"> Good amenity is provided 	The proposal provides good amenity for occupants and retains good amenity for neighbouring residential buildings.
7. Safety	<ul style="list-style-type: none"> No comment 	The proposal optimises safety and security, including via secure access at the residential entrance.
8. Housing Diversity and Social Interaction	<ul style="list-style-type: none"> Details of adaptable dwellings should be provided 	<p>Waverley Development Control Plan 2022 requires adaptable dwellings to be provided for developments of 10 or more dwellings. Adaptable dwellings are therefore not required in this instance.</p> <p>The proposal achieves the principle as it provides a mix of unit types and provides communal spaces which allow for social interaction.</p>
9. Aesthetics	<ul style="list-style-type: none"> The panel is generally supportive subject to addressing the matters described under principle 1 above Large scale drawings should be provided of the facades 	<p>The applicant has addressed the matters regarding principle 1 above.</p> <p>The submitted architectural drawings are sufficiently detailed to demonstrate the proposal positively responds to the context of the site.</p>

Apartment Design Guide

Clause 149 of SEPP (Housing) 2021 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 4** of this report.

Table 4: Apartment Design Guide

Design Criteria	Compliance	Comment
3D Communal and public open space		
<ul style="list-style-type: none"> 25% of site to be communal open space 50% of communal open space to receive direct sunlight for 2 hours between 9am and 3pm midwinter 	No	<p>Approximately 32m² of communal open space is provided, equating to 6.5% of the site area which is significantly below the minimum design criteria. The communal open space does receive two hours sunlight at midwinter, however the space is limited in size and function.</p> <p>Notwithstanding the above, the non-compliance with the design criteria is acceptable in the circumstances of the proposal as set out below.</p> <p>The site is located within a local centre, where there is limited opportunity to provide communal open space due to the high density permitted by the relevant development standards and due to relatively small lot sizes, and where Waverley Council's Development Control Plan 2022 does not require communal open space to be provided.</p> <p>Additionally, the proposal provides dwelling and private open space sizes in exceedance of the minimum design criteria requirements, and therefore a high level of amenity is provided</p>

Design Criteria	Compliance	Comment
		within each apartment which partially mitigates the lack of communal open space.
3E Deep soil zones		
<ul style="list-style-type: none"> 7% of site to be deep soil 	Yes	14% deep soil area is achieved, in compliance with the design criteria.
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 25m (5-8 storey) – 9m for habitable rooms and 4.5m for non-habitable rooms Increased separation of 3m where adjoins a lower density zone 	No	<p>The design criteria requires a 9m separation distance from the side boundary and a 12m separation distance from the rear boundary as the land to the rear is within a lower density residential zone.</p> <p>The proposal does not meet the separation distance design criteria as a 9m setback is provided to the rear boundary and a 1.5m setback to the southern side boundary, however the non-compliance is acceptable on merit due to the design of the proposal which mitigates visual privacy impacts as discussed below.</p> <p>Overlooking towards the rear is mitigated by:</p> <ul style="list-style-type: none"> directional privacy screening at first and second floor level windows which directs outlook towards Dover Road; no windows being proposed at third floor level; the provision of a planter to the eastern extent of the third floor north-facing balcony to minimise views down towards the east; and privacy screening and a 12m setback at fourth floor level. <p>A condition of consent is included in Appendix A of this report requiring privacy screening to a height of 1.7m above finished floor level to the eastern opening of the first floor northern balcony to prevent overlooking to the east.</p> <p>Overlooking towards the southern side boundary is mitigated by privacy screening to all windows and openings.</p> <p>A condition of consent is included in Appendix A of this report requiring the southern privacy screening to the circulation lobbies to be reduced in height to 1.7m measured from the finished floor level of each level to ensure the lobbies are not fully enclosed and therefore that they do not</p>

Design Criteria	Compliance	Comment
		become calculable gross floor area. The amended screening will not be visible from the public domain, and therefore the condition of consent will not have an impact on the building's appearance within the streetscape.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter 	Yes	The proposal complies with the solar and daylight access design criteria. 100% of units receive 2 hours direct sunlight at midwinter.
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	All habitable rooms are provided with at least one window for natural ventilation and all units are cross ventilated.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The ceiling heights within all units comply with the minimum requirement.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room</p>	Yes	<p>All units have internal areas in excess of the minimum ADG requirements.</p> <p>The proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 	Yes	The proposed balconies exceed the minimum requirements.

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth 		
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	A maximum of three units are accessed from the circulation core on a single level.
4G Storage		
<i>In addition to kitchens, bathrooms and bedrooms, the following is provided:</i> <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Yes	All units provide storage in excess of the minimum storage requirements.

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

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

Table 5: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal aligns with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>E1 Local Centre Zone</i>	Yes	The proposal is defined as commercial premises and shop top housing, which is permitted with consent in the E1 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	No (see Table 2 above)	The proposal complies with the SEPP (Housing) 2021 height of buildings development standard. See the relevant compliance table above.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 1.5:1 FSR 	no (see Table 2 above)	The proposal complies with the SEPP (Housing) 2021 floor space ratio development standard. See the relevant compliance table above.
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 SEPP (Housing) 2021 minimum landscape area development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.21 Flood Planning	Yes	The site is located within a flood fringe area. The applicant has provided documentation demonstrating the proposal is compatible

Provision	Compliance	Comment
		<p>with the flood risk of the land. The requirements of the WLEP clause are met.</p> <p>Conditions of consent relating to stormwater management and flood resistance are included in Appendix A of this report.</p>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located within a class 5 acid sulfate soil area. The proposal is not expected to impact on the water table within Class 1, 2, 3 or 4 land.
6.2 Earthworks	Yes	The proposal is unlikely to have detrimental impacts on the land, drainage patterns and neighbouring properties subject to the recommendations of the geotechnical report being followed and subject to conditions of consent included at Appendix A of this report requiring further engineering input and supervision of excavation.
6.9 Design excellence	Yes	The proposal achieves design excellence, as it has a high standard of design, materials and detailing appropriate to the building type, as the built form of the proposal is suitable for the context of the site, as its environmental impacts including amenity impacts are acceptable.
6.14 Waste minimisation and recycling	Yes	The proposal satisfactorily maximises waste recycling and storage facilities, the facilities are appropriately sized and the access to the facilities is safe and equitable as required by the control.
6.15 Stormwater Management	Yes	The proposal satisfactorily maximises permeable surfaces, includes on-site stormwater retention in terms of a rainwater tank, and avoids significant adverse impacts of stormwater runoff in compliance with the control.
6.16 Development in Zone E1	Yes	The development retains amenity for surrounding residential areas including retaining satisfactory solar access and privacy for neighbours, successfully responds to the desired future character of the area, and is consistent with the hierarchy of centres as it provides small-scale commercial units, in compliance with the controls.
6.17 Affordable housing contributions	Yes	An affordable housing contribution is to be imposed in compliance with this clause. Conditions requiring a contribution are included in Appendix A to this report.

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

Clause 4.6 Exceptions to Development Standards - Landscaped Area

The application seeks to vary the minimum landscaped area development standard under SEPP (Housing) 2021 clause 19(b).

The site is subject to a minimum landscaped area requirement of 30% of the site area, which equates to a minimum area of 147.96m². The proposal provides 17% landscaped area, which equates to 83m². This represents a 44% shortfall of the development standard.

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

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

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 minimum landscaped area standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In the absence of objectives to the development standard, the applicant has argued that the objectives of the Apartment Design Guide landscape objectives at parts 4O-1 and 4O-1 are achieved notwithstanding non-compliance with the standard as follows:

- (i) *Objective 4O-1 Landscape design is viable and sustainable is achieved as the proposal:*

- a. *Increases landscaped area compared to the existing provision at the site whilst also providing safer vehicle access at the site,*
 - b. *Retains and relocated the existing Phoenix palm tree,*
 - c. *Provides a greater accessible landscape rear compared to the existing condition of the site; and*
 - d. *Allows for a functional site layout including nil setbacks from Old South Head Road and Dover Road, noting that landscape street setbacks would reduce active frontages and reduce useability of the site.*

- (ii) *Objective 4O-2 Landscape design contributes to the streetscape and amenity is achieved as the proposal:*

- a. *Includes a landscape design which improves upon the existing condition of the site;*

- b. Improves visibility of landscaping at the site viewed from the street and provides an appropriate interface with the public domain;*
- c. The proposed relocation of the Phoenix palm tree will provide shade for the communal open space; and*
- d. The proposed arrangement of landscaped area and vehicle access within the rear setback will improve safety for pedestrians using the public domain as visibility of entering and existing vehicles will be increased compared to the current situation.*

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

- (i) The proposal allows for the orderly and economic use of the land and provides affordable housing;*
- (ii) The proposal retains the existing nil setbacks from Old South Head Road and Dover Road, noting that landscape street setbacks would reduce active frontages and reduce useability of the site;*
- (iii) Compliance with the development standard would require landscaped street setbacks which would not be characteristic of the area and would provide insufficient ground floor commercial space;*
- (iv) Compliance with the development standard would require vehicle in an alternative location to the rear setback which would result in unsafe vehicle movements; and*
- (v) Compliance with the development standard would likely lead to a decrease in the amount of housing provided.*

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and has correctly calculated landscaped area. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

The applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case by referencing the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

In the absence of objectives to the development standard, the applicant has argued that the objectives of the Apartment Design Guide landscape objectives at parts 4O-1 and 4O-1 are achieved notwithstanding non-compliance with the standard.

Objectives 4O-1 *Landscape design is viable and sustainable* and Objective 4O-2 *Landscape design contributes to the streetscape and amenity* are achieved as the proposal increases landscaped area compared to the existing condition of the site, retains the existing Phoenix palm tree which provides shade to the proposed communal open space, provides greater accessibility for occupants and visibility to the landscaped area from the public domain compared to the existing condition of the site, and allows for a functional site layout.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

A compliant landscaped area provision could not be delivered at the site whilst also retaining active street frontages which respond to the character of the local centre, useable commercial space, and safe vehicle access as the provision of compliant open space would require landscaped setbacks to the street boundaries and would require a relocation of parking access.

Conclusion

The written request provided by the applicant to vary the SEPP (Housing) 2021 minimum landscaped area development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 6: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Appropriately sized and located waste storage facilities are provided. Conditions of consent are included at Appendix A of this report requiring the provision of minimum bin numbers and requiring compliance with Council's waste collection procedures.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	Ceiling fans are shown on the architectural plans and the BASIX certificate details electric cooktops and heating systems in compliance with the controls.

Development Control	Compliance	Comment
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	<p>The proposal includes the removal of one <i>Olea europaea subsp. cuspidata</i> (African Olive) tree and the relocation of one <i>Phoenix canariensis</i> (Phoenix Palm) tree within the site.</p> <p>The removal of the African Olive tree is acceptable as it is classified as a weed species which does not need Council's consent for removal.</p> <p>The relocation of the Phoenix Palm is acceptable subject to the submission of an amended transplant method statement. Conditions requiring this are included in Appendix A of this report.</p> <p>General conditions requiring tree protection measures to adjacent trees are also included in Appendix A.</p>
5. Water Management	Yes	<p>The site is located within a flood fringe area. The applicant has provided documentation demonstrating the proposal is compatible with the flood risk of the land and demonstrating acceptable management of stormwater.</p> <p>Conditions of consent relating to stormwater management and flood resistance are included in Appendix A of this report.</p>
6. Accessibility and Adaptability	Yes	The proposal is capable of complying with the relevant BCA requirements.
7. Transport Streetscape and access <ul style="list-style-type: none"> Car parking and vehicular access must not dominate the streetscape. Car parking and driveway design is to preserve mature vegetation. Vehicle access is to be secondary streets where available, and not from primary street fronts. Parking requirements <ul style="list-style-type: none"> Maximum car parking rate: 11 Minimum visitor car parking: 2 	<p>Yes</p> <p>Yes</p>	<p>The proposed basement parking is accessed from Dover Road through the rear setback, with landscaped areas being provided to either side of the driveway.</p> <p>The proposed parking is suitable for the context of the site, does not interrupt active frontages within the local centre, and improves landscape provision at the site.</p> <p>The proposal includes 11 car parking spaces including 2 visitor parking spaces, 1 parking space for affordable units and 8 parking spaces for non-affordable units, in compliance with the relevant controls. Conditions of consent regarding electric</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Minimum motorcycle parking: 3</i> • <i>Minimum bicycle parking: 10</i> • <i>Electric vehicle chargers and electric vehicle ready infrastructure required</i> 		<p>vehicle chargers are included at Appendix A of this report.</p> <p>The proposal includes 3 motorcycle parking spaces and 10 bicycle parking spaces in compliance with the controls.</p>
9. Safety	Yes	The proposal provides safe access for residents and promotes casual surveillance through active street frontages and through residential units overlooking the street.
11. Design Excellence	Yes	The proposal achieves design excellence, as it has a high standard of design, materials and detailing appropriate to the building type, as the built form of the proposal is suitable for the context of the site, as its environmental impacts including amenity impacts are acceptable.
13. Excavation <ul style="list-style-type: none"> • <i>Excavation not permitted within 1.5m of side boundaries and shall only occur within the building footprint, except where access to a basement car park is required.</i> 	No	<p>The proposal includes excavation with a nil setback to the southern side boundary, contrary to the control.</p> <p>The proposed excavation is acceptable on merit as it is within the footprint of the building, as the proposed basement car parking, storage and plant rooms are reasonably proportioned and comply with the relevant controls, and as the applicant has provided information including a geotech report which demonstrates the proposal is capable of being constructed whilst also retaining the structural integrity of neighbouring properties.</p> <p>Conditions of consent are included in Appendix A of this report requiring further engineering input and supervision to ensure the excavation is safely conducted, and requiring dilapidation reports to ensure any impacts on neighbouring structures are documented.</p>
15. Public Domain	Yes	The proposal has a positive relationship with the public domain, including providing active street frontages to Old South Head Road and Dover Road and providing landscaping fronting Dover Road.

Table 7: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Height		
<ul style="list-style-type: none"> Maximum external wall height 	N/A	The control does not apply to the E1 zone.
2.3 Setbacks		
2.3.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposed nil setbacks from Old South Head Road and Dover Road are appropriate for this corner site.
2.3.2 Side and rear setbacks <p><i>Side setbacks</i></p> <ul style="list-style-type: none"> Minimum side setback: 1.5-2.5m May be reduced where reduced setbacks are characteristic of the area. <p><i>Rear setback</i></p> <ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback <ul style="list-style-type: none"> Deep soil along side boundary min 2m wide 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposal features a nil southern side setback for the front part of the building, extending for a length of 17m along the southern boundary. The rear part of the building features a 1.5m southern side setback in compliance with the control.</p> <p>The nil side setback is appropriate in the context of the site, which is located within a local centre where nil side setbacks at the front of sites are desirable to ensure continuous commercial street frontages. The proposed nil setback replaces an existing nil setback along the same boundary, and partially adjoins at nil setback at 523 Old South Head Road to the south.</p> <p>The proposed 1.5m southern side setback toward the rear of the building complies with the control and is appropriate as sufficient solar access and privacy is retained for neighbouring properties.</p> <p>The proposal includes a 9m setback from the rear boundary at ground to third floor levels, and a 12m setback at fourth floor level.</p> <p>The proposed rear setbacks are appropriate to the context of the site, which includes neighbouring buildings with varying rear building lines, and ensure neighbouring buildings retain sufficient solar access and privacy.</p> <p>No deep soil side setback provided. This is acceptable on merit due to the site's location within a local centre and due to the provision of 14% of the site area as deep soil in exceedance of the relevant ADG design criteria.</p>

Development Control	Compliance	Comment
2.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated 	<p>No</p> <p>Yes</p>	<p>The proposal has a building depth of 22m measured adjacent to the northern boundary and 26m adjacent to the southern boundary. The non-compliance with the 24m maximum control is acceptable on merit as the proposal provides good amenity for future occupants, retains amenity for neighbours, is appropriate to the streetscape context of the site and features articulation to break-up the bulk of the building.</p>
2.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The proposed building form is appropriate for the Rose Bay local centre and features high quality materials and finishes.
2.7 Fences and walls		
<u>Side fence:</u> <ul style="list-style-type: none"> Maximum height: 1.8m <u>Rear fence:</u> <ul style="list-style-type: none"> Maximum height: 1.8m 	No	The proposal includes a southern side boundary fence which is predominantly less than 1.8m in height. The fence does include a short section which exceeds 1.8m in height due to the fall of the land, however the exceedance is acceptable on merit as it is due to the topography of the site, only affects part of the wall, and as amenity for neighbouring occupants is sufficiently retained.
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	The proposal features commercial pedestrian access from Old South Head Road and Dover Road, and residential pedestrian access from Dover Road. The pedestrian access is appropriately designed, safe, and is separate from the vehicular access to the rear.
2.9 Landscaping		
<ul style="list-style-type: none"> 15% of the site is to be deep soil: 73.98m² 	No	<p>The proposal includes 73m² of deep soil area, which is a shortfall of 0.98m² compared to the control. The non-compliance is acceptable on merit due to its minor nature and due to the constraints of the site which is located within a local centre where it is difficult to deliver deep soil due to the desirability of providing nil setbacks from front and side boundaries in response to the streetscape character of the area.</p> <p>See the SEPP (Housing) 2021 and WLEP 2012 sections of this report above regarding landscape area.</p>
2.10 Communal open space		
	N/A	There is no DCP requirement for communal open space within the E1 zone.

Development Control	Compliance	Comment
		The proposal provides a small communal open space within the rear setback. The open space is appropriate to the location of the site within the local centre.
2.12 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 	Yes	The proposed parking and access is appropriate to the site. See section B7 <i>Transport</i> above for further discussion.
2.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Views from public spaces to be maintained 	Yes	The proposal has no known impacts on views and no submissions were received which raised view impacts as an issue
2.15 Visual privacy and security		
<p>Visual privacy</p> <ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible 	Yes	The proposal provides safe access for residents and promotes casual surveillance through active street frontages and through residential units overlooking the street.
<p>Visual privacy</p> <ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design 	Yes	The proposal retains visual privacy for neighbouring occupants. See the <i>Visual Privacy</i> section of the Apartment Design Guide compliance table in this report for further discussion.
2.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposal does not include noisy areas adjacent to quiet areas.
2.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, 	Yes	<p>Services are appropriately integrated into the Dover Road frontage of the development.</p> <p>Plant equipment is appropriately located within the basement levels and on the roof. The rooftop</p>

Development Control	Compliance	Comment
<p><i>down pipes, plant rooms, satellite/communications structures</i></p> <ul style="list-style-type: none"> <i>Plant rooms away from entry communal and private open spaces and bedrooms.</i> <i>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge.</i> 		<p>plant equipment is screened by acoustic louvres and is located away from the building edge.</p>

Table 8: Waverley DCP 2022 – Part E3 – Local Village Centres

Development Control	Compliance	Comment
3.1.9 Rose Bay South		
<p>Desired Future Character Objectives</p> <ul style="list-style-type: none"> <i>To ensure an integrated approach and consistent treatment to the conservation of buildings of historic character.</i> <i>To maintain and improve the continuity of awnings over the footpath.</i> <i>To maintain Old South Head Road as the primary streetscape in the village with side streets as secondary frontages.</i> <i>To create a cohesive streetscape, comprising well-designed low-rise buildings of varying styles which form a consistent street frontage with small active shopfronts.</i> <i>To ensure new buildings are well designed and responsive to existing built form, with appropriate street frontage heights, upper</i> 	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal does not impact on any heritage items or heritage conservation areas.</p> <p>The proposal provides a continuous awning above the Old South Head Road and Dover Road frontages.</p> <p>The proposal provides active frontages to both old South Head Road and Dover Road, which is appropriate to this corner location.</p> <p>The proposal provides active shopfronts to Old South Head Road. The proposed scale of the building is appropriate to the site, taking into consideration the FSR and height of buildings development standard uplift provided by SEPP (Housing) 2021.</p>

<p><i>storey setbacks and active ground floor uses.</i></p> <ul style="list-style-type: none"> <i>To maintain a clean environment, with waste disposal managed discreetly and efficiently.</i> <i>To ensure that the centre provides universal access to all users.</i> <i>To ensure that building services and basement car parking do not compromise the active street frontage and business opportunities that the Old South Head Road high-street offers.</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal provides appropriate waste provision within the building envelope. Waste collection is to be managed by conditions of consent.</p> <p>The proposal is capable of complying with the relevant BCA provisions.</p> <p>The basement is accessed from the rear, and building services are limited to a small section of the Dover Road façade. Active street frontages are therefore retained.</p>
3.2 Generic Controls		
<p>3.2.1 Land Uses</p> <ul style="list-style-type: none"> <i>The ground floor of a mixed use building is to be a non-residential use, with the exception of:</i> <ul style="list-style-type: none"> <i>Access areas for residential dwellings on upper levels.</i> <i>Ground floor residential facing rear lanes.</i> <i>Building floors above ground and first floor are to be designed for permanent residential use only.</i> <i>Car parking is to be located at basement level with vehicular access from side streets or rear lanes rather than the primary street frontage.</i> <i>Clearly separate and distinguish commercial and residential entries and vertical separation.</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The ground floor is proposed to be for non-residential uses, in compliance with the control.</p> <p>The upper floors are proposed to be residential uses, in compliance with the control.</p> <p>Car parking is proposed at basement level, accessed from a side street, in compliance with the control.</p> <p>The proposed commercial and residential entries are separate.</p>
3.2.2 Public Domain Interface	Yes	The proposal is sensitive to the streetscape.

<p><i>(a) Development must be sensitive to the streetscape character and views.</i></p> <p><i>(b) Development on a lot identified in this Part is to provide active street frontages.</i></p> <p><i>(c) Buildings are to be located to the front street alignment.</i></p> <p><i>(e) Individual buildings are to have a clear street address where entries to upper levels are well defined at the ground floor address.</i></p> <p><i>(f) New shop fronts are to be consistent in width and height with the predominant and historical character of the street.</i></p> <p><i>(g) Shop fronts may include recessed entries and display windows, where these are included to provide useable display space and achieve the desired future character of the centre.</i></p> <p><i>(h) Shop fronts are to be made up predominantly of clear glazing with sill heights to be a maximum of 700mm above finished footpath level along street frontages.</i></p> <p><i>(i) Access to residential dwellings above ground level should not occupy more than 20% of the principal street frontage of any development.</i></p> <p><i>(j) There are to be no solid facades along the primary street frontage at ground level.</i></p> <p><i>(k) Vehicular entries into buildings are not permitted along the primary commercial street frontage of sites.</i></p> <p><i>(l) The public domain interface of development should provide universal access to all users.</i></p>	Yes	The proposal provides active street frontages.
	Yes	The proposal aligns with the street.
	Yes	Entry to the upper level is clearly defined.
	Yes	The form of the building is appropriate to the character of the street.
	N/A	N/A
	Yes	The proposed shopfronts are clear glazed with low sill heights.
	Yes	Residential access is provided from Dover Road, and does not occupy a significant proportion of the street frontage.
	Yes	The proposal does not feature solid facades to Old South Head Road.
	Yes	Vehicular entry is from the secondary street frontage.
	Yes	The proposal is accessible.
	Yes	

<i>(m) The design of a development proposal is to have regard to the existing streetscape pattern.</i>		The proposal is suitable within the existing streetscape.
<p>3.2.3 Built Form</p> <p><i>(a) Development is to be consistent with the planning controls relating to overall height, floor to ceiling heights and setbacks, outlined for each of the centres in Annexures E3-1 to E3-3.</i></p>	Acceptable on merit	<p>The DCP controls classify Rose Bay South as a three storey centre, and set a maximum wall height of 9m.</p> <p>The proposal is a five storey building with street wall heights of up to 11.5m, contrary to the controls. The non-compliance is acceptable on merit, as:</p> <ul style="list-style-type: none"> • SEPP (Housing) 2021 provides significant uplifts to the FSR and height of buildings development standards for the site, resulting in a mis-alignment between the applicable development standards and the DCP controls. The development standards are higher-order controls, the proposal complies with the development standards, and therefore in these circumstances it is not reasonable to require strict compliance with the DCP controls. • The proposal features three storeys with a nil setback from the street, with an additional two storeys above set back 3m from the street. The setbacks minimise the perceived bulk and scale of the building when viewed from the street, and results a building which is appropriate within the streetscape. • Acceptable amenity to neighbouring residential occupants is maintained.
<i>(b) Ground floor retail depth must allow for adequate display and sales area as well as essential back-of-house storage and loading facilities. In total this must be a minimum of 8 - 10m in depth.</i>	Yes	The proposal provides sufficient retail depth.
<i>(c) The preferred building depth for floors above ground level is 10-14m. The maximum building depth for floors above ground level, glazing line to glazing line is 18m. Refer to the control diagrams for each individual centre.</i>	No	The proposal has a maximum building depth measured from glazing line to glazing line of 23m, in excess of the control. The exceedance is acceptable on merit as the proposal is located on a corner site where greater building depths are appropriate, as the proposal provides good amenity to occupants, and as the proposal retains acceptable amenity to neighbours.
	Yes	

<i>(d) Sites in local village centres that adjoin residential development at the rear are to provide deep soil zones within the rear setback area with a minimum depth of 2 metres from the boundary.</i>		The proposal provides deep soil within the rear setback in compliance with the control.
<p>3.2.4 Building Façade Articulation</p> <p><i>(a) New buildings should display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms.</i></p> <p><i>(b) New buildings should draw on the predominant pattern of the existing streetscape. They are to be open and glazed at the street level, have an emphasis toward a singular more enclosed building form at the upper levels and be capped by a lighter more articulated element.</i></p> <p><i>(c) Balconies to the street facade are to be recessed behind the principal building facade.</i></p> <p><i>(d) Balustrades to balconies fronting the street are to be predominantly solid with minimal or no glass.</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed proportions and articulation is appropriate to the streetscape.</p> <p>The proposed glazing, materiality and setbacks are appropriate.</p> <p>The proposed balconies are recessed in compliance with the control.</p> <p>The proposed balcony balustrades are predominantly solid in compliance with the control.</p>
<p>3.2.6 Building Services and Site Facilities</p> <ul style="list-style-type: none"> • <i>Garbage and recycling storage not to be visible from public domain.</i> • <i>Rear setbacks not to be used for waste storage.</i> • <i>Mechanical ventilation not to impact amenity.</i> • <i>Building services to be integrated into the design.</i> 	Yes	<p>The proposal has integrated building services, and includes waste storage areas within the building envelope.</p> <p>Conditions of consent are included within the notice of determination regarding mechanical ventilation.</p>

Solar access impacts

Issues relating to solar access impacts at midwinter are discussed in detail below.

The proposal partially overshadows the rear yard and western side window of the dwelling house at 83 Dover Road, Rose Bay at 2pm and 3pm, and the rear yard of the dwelling house at 85 Dover Road, Rose Bay at 3pm. Both dwellings retain significant solar access to private open spaces and windows throughout the day, retaining a high level of amenity.

The proposal also impacts solar access to the communal open space, north-facing windows and east-facing windows of the commercial and residential building at 523 Old South Head Road as follows:

- Solar access to the communal open space is increased between 9am and 11am due to the proposed deletion of the existing garage at the subject site, and is reduced between 12pm and 3pm due to overshadowing from the proposed building. Useable solar access to the communal open space is retained for three hours between 9am and 12pm, ensuring a high level of amenity.
- Two ground floor level north-facing windows will be affected; one will retain solar access for one hour between 9am and 10am, and one will retain solar access for three hours between 9am and 12pm. One east-facing window will be affected, which will receive no solar access at midwinter.

The proposal will have a minor impact on the commercial and residential building at 519 Old South Head Road. Shadows will predominantly fall on the car parking area of the building, with some shadows falling on windows and rear balconies.

The proposal generally retains good overall solar access for neighbouring residential development. The bulk, scale and solar access impacts of the development are in line with those anticipated by the FSR and height of buildings development standards for the site, and the proposed solar access impacts are therefore supported.

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 21 days between 20 November and 13 December 2024 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

Due to an error with the original notification which mistakenly did not include properties within the Woollahra local government area, the application was re-notified for a period of 21 days between 7 May and 28 May 2025. The re-notification letter was sent to properties within the Woollahra local government area that were previously not notified and also to properties within the Waverley local government area that were previously notified. The plans exhibited by the re-notification were the amended plans received 10 April 2025 that form the basis of this assessment.

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

Table 9: Submission details

Count	Property Address
1.	25 Beaumont Street
2.	1 Blake Street
3.	83 Dover Road
4.	85 Dover Road
5.	87 Dover Road
6.	523 Old South Head Road

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

- Bulk, scale and height of development;
- Compliance with WDCP built form controls for Rose Bay centre;
- Compliance with WDCP side setback controls;
- Compliance with Apartment Design Guide minimum separation distances;
- Tree removal;
- Privacy impacts; and
- Solar access impacts;

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

Issue: Affordable housing is inappropriate within the affluent locality of Rose Bay.

Response: Shop top housing, including in-fill affordable housing, is permissible in the E1 Local Centre zone. There are no valid environmental planning grounds for opposing affordable housing in this location.

Issue: The proposal includes insufficient parking which will worsen local residents' ability to find vacant on-street parking spaces.

Response: Waverley Council Development Control Plan 2022 controls promote active and public transport and discourage car use. The controls therefore set maximum parking rates for developments. The development proposes to comply with the maximum parking rates, and therefore is considered acceptable.

Issue: The proposal will contribute to traffic congestion, features too many parking spaces, and includes a vehicle entrance too close to the junction of Old South Head Road and Dover Road.

Response: The development proposes to comply with the maximum parking rates set by the relevant Waverley Council Development Control Plan 2022 controls. The scale of the development is unlikely to have a material impact on traffic congestion in the area. Council's traffic engineers have assessed the proposed location of vehicle access, and consider the access to be safe.

Issue: The applicant's calculations regarding FSR and GFA appear to be incorrect.

Response: The calculations have been checked during the assessment of the application, and amended plans and calculations have been received. The amended calculations are assessed to be accurate.

Issue: There is a toilet outbuilding at 523 Old South Head which may be impacted by the proposal. The wall adjacent to the outbuilding, immediately to the north, is proposed to be demolished. This may result in the removal of the outbuilding's northern wall, which may render the building unusable.

Response: The consent only permits demolition of structures within the subject site. The applicant states that the walls adjacent to the boundary are independent of neighbouring structures, that there are no easements affected by the proposal, and that the proposal can be constructed without impacting neighbouring structures. Nonetheless, if the outbuilding is reliant on structures within the subject site and there are no easements for cross support, then the owner of the outbuilding will need to discuss with the owner of the subject site to see if the issue can be resolved as a private matter between landowners.

Issue: The proposed relocation of the Pheonix Palm tree will result in overshadowing of neighbouring properties and will result in the dropping of leaves and branches onto neighbouring properties.

Response: Shadowing from vegetation is generally excluded from when assessing the solar impacts of development, in accordance with the planning principles established by the Land and Environment Court of New South Wales. Regardless, the palm tree is unlikely to cause significant overshadowing due to the limited size of its canopy. The potential for leaves and branches falling onto neighbouring property is not considered to result in any significant amenity impacts.

Issue: The construction may require the developer to access land at 523 Old South Head Road, and construction impacts may result in 523 Old South Head Road becoming unoccupiable for its commercial and residential occupants, or may result in damage to the property.

Response: The development consent does not give approval for access to neighbouring property. Conditions of consent regarding construction management are included in Appendix A of this report, including conditions requiring excavation to be supervised by an engineer and requiring dilapidation reports for neighbouring properties.

Issue: The proposal will overshadow the neighbouring roof at 523 Old South Head Road, making it unsuitable for future solar panel installation.

Response: The solar access impacts of the development are in line with those anticipated by the FSR and height of buildings development standards for the site. Significant solar access to the main roof of 523 Old South Head Road is retained even during midwinter, between the hours of 11am and 3pm.

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 referral comments were sought:

3.1. Traffic and Development

Council's traffic and development team support the proposal subject to conditions of consent regarding driveway specifications, parking allocation, and electric vehicle charging.

3.2. Public Domain

Council's public domain team support the proposal subject to conditions of consent relating to public domain improvements, a covenant relating to the proposed awning over the public domain, and excavation management. The conditions are included in Appendix A of this report.

3.3. Stormwater

Council's stormwater engineers supported the proposal subject to conditions of consent relating to stormwater management and flood resistance. The conditions are included in Appendix A of this report.

3.4. Tree Management

Council's tree management officer supported the proposal subject to further details of the proposed tree transplantation, conditions of consent regarding tree protection, and conditions of consent requiring off-site planting of three trees to replace the proposed loss of the *Olea europaea subsp. cuspidata* (African Olive) tree.

Conditions of consent addressing the above issues are included in Appendix A of this report except for conditions requiring off-site planting which are not included as the African Olive tree is classified as a weed which can be removed without Council's consent and therefore replacement planting is not required under the relevant provisions of Waverley DCP 2022.

3.5. Environmental Health

Council's environmental health officer supported the proposal subject to conditions of consent concerning plant equipment and construction management which are included in Appendix A of this

report, and subject to acoustic treatment of plant equipment. The proposal has been amended during the course of the assessment to include acoustic treatment to the rooftop plant equipment.

3.6. Waste Management

Council's waste management officer supported the proposal subject to conditions of consent regarding waste management which are included in Appendix A of this report.

3.7. Urban Design

Council's urban design officer provided advice and feedback regarding achievement of the Design Principles under SEPP (Housing) 2021. Amendments have been made to the application during the course of the assessment in response to the comments.

3.8. Strategic Planning

Council's strategic planning team provided conditions of consent relating to affordable housing contributions. The conditions are included in Appendix A of this report.

3.9. Land Information

Council's land information officer supported the proposal subject to conditions of consent regarding property numbering which are included in Appendix A of this report.

4. CONCLUSION

The development application seeks consent for demolition of the existing structures and construction of a new shop-top housing building with basement parking, landscaping and associated works at the site known as 525 Old South Head Road, Rose Bay.

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


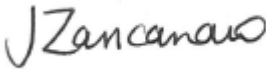
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 11 March 2025 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	Application reviewed and agreed by:
	
David Knight	Jo Zancanaro
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 12 June 2025	Date: 13 June 2025

Reason for WLPP referral:

1. Sensitive development:
 - (a) Development to which State Environmental Planning Policy (Housing) 2021 Chapter 4 (Design of residential apartment) applies and is more than 4 storeys in height

OFFICE USE ONLY

Planning Portal Data																	
<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p>44% shortfall minimum landscaped area requirement under SEPP (Housing) 2021 clause 19(b).</p> <table> <tr><td></td><td>Pre-existing non-compliance</td></tr> <tr><td></td><td>No change to overall building height</td></tr> <tr><td></td><td>No change to overall building envelope</td></tr> <tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr> <tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td>X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td>X</td><td>Consistent with the objectives of the standard</td></tr> <tr><td></td><td>[insert another reason here if required]</td></tr> </table>		Pre-existing non-compliance		No change to overall building height		No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard		[insert another reason here if required]
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<p>Excavation Register</p>	<p>1700 m³ of excavation approved</p> <table> <tr><td></td><td>Pre-existing non-compliance</td></tr> <tr><td>X</td><td>Located within the building footprint</td></tr> <tr><td>X</td><td>No change to overall building envelope</td></tr> <tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td></td><td>Sufficient environmental planning grounds</td></tr> <tr><td></td><td>Consistent with the objectives of the standard</td></tr> </table>		Pre-existing non-compliance	X	Located within the building footprint	X	No change to overall building envelope	X	No unreasonable impacts on the amenity of adjoining properties or streetscape		Sufficient environmental planning grounds		Consistent with the objectives of the standard				
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		[insert another reason here if required]
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Does the proposal trigger a Housing & Productivity Contribution ? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	Yes (2 units)	
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No	
Boarding House <small>*This is a planning portal reporting requirement</small>	No	
Group Home <small>*This is a planning portal reporting requirement</small>	No	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
Waverley Council Data		
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Was there a 'Conflict of Interest' declared	No	

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																																																										
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by SRHA Architecture including the following:</p> <table><tr><th>Plan Number</th><th>Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DD1000</td><td>B</td><td>SITE PLAN</td><td>21/01/2025</td><td>10/04/2025</td></tr><tr><td>DD1100</td><td>A</td><td>DEMOLITION PLAN</td><td>10/02/2024</td><td>10/04/2025</td></tr><tr><td>DD2000</td><td>C</td><td>BASEMENT 2 PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2001</td><td>C</td><td>BASEMENT 1 PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2002</td><td>C</td><td>GROUND FLOOR PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2003</td><td>C</td><td>FIRST FLOOR PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2004</td><td>C</td><td>SECOND FLOOR PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2005</td><td>C</td><td>THIRD FLOOR PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2006</td><td>C</td><td>FOURTH FLOOR PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD2007</td><td>C</td><td>ROOF PLAN</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD3100</td><td>C</td><td>NORTH ELEVATION</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD3101</td><td>C</td><td>EAST ELEVATION</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD3102</td><td>C</td><td>SOUTH ELEVATION</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD3103</td><td>C</td><td>WEST ELEVATION</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD3200</td><td>C</td><td>SECTIONS</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD3201</td><td>A</td><td>SECTIONS</td><td>08/04/2025</td><td>10/04/2025</td></tr><tr><td>DD4000</td><td>A</td><td>MATERIAL BOARD</td><td>10/10/2024</td><td>10/04/2025</td></tr></table> <p>(b) Landscape Plan No. DA 01.1, 01.2 and 01.3 and documentation prepared by Michael Zinn, dated 01/10/2024 and received by Council on 05/11/2024</p> <p>(c) BASIX and NatHERs Certificate/s</p> <p>(d) Acoustic Assessment prepared by Acoustic Logic dated 31/10/2024.</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number	Revision	Plan description	Plan Date	Date received by Council	DD1000	B	SITE PLAN	21/01/2025	10/04/2025	DD1100	A	DEMOLITION PLAN	10/02/2024	10/04/2025	DD2000	C	BASEMENT 2 PLAN	08/04/2025	10/04/2025	DD2001	C	BASEMENT 1 PLAN	08/04/2025	10/04/2025	DD2002	C	GROUND FLOOR PLAN	08/04/2025	10/04/2025	DD2003	C	FIRST FLOOR PLAN	08/04/2025	10/04/2025	DD2004	C	SECOND FLOOR PLAN	08/04/2025	10/04/2025	DD2005	C	THIRD FLOOR PLAN	08/04/2025	10/04/2025	DD2006	C	FOURTH FLOOR PLAN	08/04/2025	10/04/2025	DD2007	C	ROOF PLAN	08/04/2025	10/04/2025	DD3100	C	NORTH ELEVATION	08/04/2025	10/04/2025	DD3101	C	EAST ELEVATION	08/04/2025	10/04/2025	DD3102	C	SOUTH ELEVATION	08/04/2025	10/04/2025	DD3103	C	WEST ELEVATION	08/04/2025	10/04/2025	DD3200	C	SECTIONS	08/04/2025	10/04/2025	DD3201	A	SECTIONS	08/04/2025	10/04/2025	DD4000	A	MATERIAL BOARD	10/10/2024	10/04/2025
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2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p>																																																																																										

	(a) A privacy screen is to be provided to the eastern side elevation opening of the first floor northern balcony of unit 1. The privacy screen is to be of a light weight material (such as metal batten screening or timber) and be a minimum of 1.7m high when measured from the finished floor level of the balcony. The privacy screen is to be clearly annotated on the plan and elevation drawings.
	Condition reason: To protect privacy for residential occupants located to the east of the site.
	(b) The proposed privacy screens to the first and second floor east-facing windows depicted on the floor plans and east elevation drawings must be clearly annotated as being privacy screens on the floor plans and elevation drawings.
	(c) The proposed privacy screens to the first, second, third and fourth floor south-facing windows and external lobby openings depicted on the floor plans and south elevation drawings must be clearly annotated as being privacy screens on the floor plans and elevation drawings.
	Condition reason: To provide clarity to the drawings and to protect privacy for residential occupants located to the east and south of the site.
	(d) The proposed privacy screens to the first, second, third and fourth floor south-facing external lobby openings must be reduced in height to 1.7m when measured from the finished floor level of the lobby.
	Condition reason: To ensure the lobbies are not fully enclosed and remain open to the elements.
3.	The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.
	MULTI UNIT HOUSING DEVELOPMENT DESIGN
	The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.
	Condition reason: To ensure the approved design remains unchanged.
4.	ACOUSTIC REPORT RECOMMENDATIONS
	The recommendations in the DA Acoustic Assessment prepared by Acoustic Logic dated 31 October 2024 shall be implemented in full.
	Condition reason: To protect the amenity of the local area.
5.	PUBLIC DOMAIN IMPROVEMENTS
	The public domain is to be upgraded along Dover Road and Old South Head Rd Street frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.
	a) Pedestrian footpath

	<ul style="list-style-type: none"> b) Kerb Ramps c) Kerb and gutter d) Vehicular crossing e) Stormwater infrastructure f) Landscape and street tree plantings g) Street lighting, electrical undergrounding and any associated TCS design <p>Street furniture</p> <p>Condition reason: This is to ensure that the public domain is upgraded along the frontage of the development as required and in accordance with the DCP and PDTM.</p>
6.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which requires alteration due to works associated with the development, both internally and externally of the development boundary, must 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, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.</p> <p>Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
7.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
8.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> (a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> (i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

	<p>- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>								
9.	<p>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</p> <p>Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td><td>\$70,990.12</td></tr> <tr> <td>Transport project component</td><td>Nil</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$70,990.12</td></tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$70,990.12	Transport project component	Nil	Total housing and productivity contribution	\$70,990.12
Housing and productivity contribution	Amount								
Housing and productivity contribution (base component)	\$70,990.12								
Transport project component	Nil								
Total housing and productivity contribution	\$70,990.12								

	<p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>
10.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$137,231.84 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.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
11.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
12.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>

13.	PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES
	Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.
	Condition reason: To ensure building is fit for future use for a food and drink premises.
14.	VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION
	The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i> .
	In accordance with the <i>Environmental Planning and Assessment Regulation 2021</i> , the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in <i>State Environmental Planning Policy (Housing) 2021</i> .
15.	BASEMENT STORAGE
	The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the <i>Waverley Development Control Plan 2022</i> .
	Condition reason: To ensure adequate basement storage is provided.
16.	UNIVERSAL HOUSING
	Apartments in the development are to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupant's over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i> .
	Condition reason: To ensure universal design features are provided.
17.	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.
	Condition reason: To ensure safety to the general public.

18.	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.
19.	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
	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.
20.	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
	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.
	Condition reason: To ensure structural stability of work on site.
21.	TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS
	Evidence is to be provided to the Principal Certifier that arrangements have been made for;
	(a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
	(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.
	Condition reason: To ensure appropriate telecommunication services are provided.

22.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
23.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>To minimise possible impacts of construction vehicles, 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.</p> <p>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</p> <p>It is recommended that any sites that are significantly large meet with Council prior to the preparation of the CTMP to discuss specifics.</p> <p>Note: All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate otherwise.</p> <p>Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.</p> <p>Condition reason: To minimise disruption to local traffic.</p>
24.	<p>STORMWATER MANAGEMENT</p> <p>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.</p>

The submitted stormwater management plan prepared by Smart Structures Australia Pty Ltd, Project No. 240466, Drawings No. D00, D01, D02, D03, D10, D15, D16, D20, D21, Rev. C, dated 10/04/2025 is considered concept only.

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

- a) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.
- b) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.
- c) Seepage water must not be directly or indirectly discharged to Council's street gutter. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- d) Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- e) Details of the drainage design for the proposed awning are to be provided. All associated pipework must be installed within the property and not encroach the boundary. If the awnings are being discharged to the street kerb, it shall be designed to ensure a maximum PSD of 25L/s. All efforts must be made to pipe the awning discharge into the underground stormwater network.
- f) Any new downpipes are to be located wholly within the property's boundary.
- g) Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required.
- h) Details of any rainwater tank must be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system.
- i) The rainwater tank must have a minimum capacity of 3000 litres and be connected to at least 205.95m² of roof area
- j) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump must be provided at the outlet point

	<p>k) A non-return valve must be installed at the discharge point of the property boundary within the silt arrestor pit so that stormwater cannot surcharge back into the property's private stormwater system.</p> <p>l) The stormwater disposal point is proposed to be connected to an existing kerb inlet pit located on a state road., The connection must be designed in accordance with Transport for NSW (TfNSW) requirements, with necessary approval(s) obtained and submitted to Council.</p> <p>m) The existing kerb inlet pit on Old South Head Road, where the site stormwater is proposed to discharge, must be replaced in accordance with Transport for NSW (TfNSW) requirements.</p> <p>n) The design and construction of the vehicular crossing, stormwater infrastructure, kerb and gutter within Old South Head Road must be approved by TfNSW and to the satisfaction of Council. Details of the necessary TfNSW requirements must be obtained.</p> <p>o) Approved correspondence from TfNSW must be submitted to Council prior to the issue of a construction certificate and commencement of any Public Domain and Stormwater Infrastructure works within Old South Head Road. Note Council will provide final approval once TfNSW approval is granted.</p> <p>p) The permissible site discharge (PSD) must adhere strictly to the requirements of TfNSW. Consequently, the OSD and its associated orifice must be redesigned accordingly. Written evidence from TfNSW must be submitted to the council prior to the review of the final stormwater design. Please note that the council will grant final approval only after receiving approval from TfNSW.</p> <p>q) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure must be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.</p> <p>r) A minimum of two 600 mm square access grates must be installed over the OSD tank. One grate must be placed over the OSD outlet pipe and orifice plate.</p> <p>s) The OSD system must be designed for the 1% AEP storm event.</p> <p>t) 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.</p> <p>u) Full hydraulic details and pump manufacturers specification must be provided.</p> <p>v) In the event of pump failure pondage in a suitably visible area must be provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.</p>
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	<p>w) All electrical fittings and supply of the pump out system are located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.</p> <p>Notes:</p> <ul style="list-style-type: none"> i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. ii. Any Council infrastructure affected as a 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 must be replaced if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. iii. 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 must not be replicated. iv. 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. v. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission. vi. Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application. <p>Condition reason: To ensure the proper management of stormwater runoff.</p>
25.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>The Applicant must 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 assessments, in accordance with the Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>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.</p> <p>Condition reason: To allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works.</p>

26.	<p data-bbox="399 224 1444 257">WATER QUALITY</p> <p data-bbox="399 257 1444 369">The development will at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Technical Management Manual 2021.</p> <table data-bbox="438 403 1404 604"> <tr> <th>Pollutant</th><th>% post development pollutant reduction targets</th></tr> <tr> <td>Gross Pollutants</td><td>90</td></tr> <tr> <td>Total Suspended Solids</td><td>80</td></tr> <tr> <td>Total Phosphorous</td><td>55</td></tr> <tr> <td>Total Nitrogen</td><td>40</td></tr> </table> <p data-bbox="399 638 1444 851">The applicant will submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID), including cross-sections and the hydraulics. These are to be shown on the submitted stormwater management plans and prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design and hydraulics. MUSIC model must be provided to Council for assessment.</p> <p data-bbox="399 884 1444 929">Condition reason: To protect the downstream environment from any contaminants.</p>	Pollutant	% post development pollutant reduction targets	Gross Pollutants	90	Total Suspended Solids	80	Total Phosphorous	55	Total Nitrogen	40
Pollutant	% post development pollutant reduction targets										
Gross Pollutants	90										
Total Suspended Solids	80										
Total Phosphorous	55										
Total Nitrogen	40										
27.	<p data-bbox="399 952 1444 985">FLOODING REQUIREMENTS</p> <p data-bbox="399 985 1444 1142">The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.</p> <p data-bbox="399 1176 1444 1321">In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate:</p> <ul style="list-style-type: none"> <li data-bbox="446 1321 1444 1388">a) Habitable floor levels are to be equal to or greater than the 1% AEP flood level plus freeboard. <li data-bbox="446 1388 1444 1500">b) All new structures are to have flood compatible building components below or at the 1% AEP flood level plus freeboard. Refer to Annexure B5-3 for a list of recommended flood compatible building components. <li data-bbox="446 1500 1444 1568">c) Basement car parking shall be protected from inundation by a 1% AEP flood plus freeboard. <li data-bbox="446 1568 1444 1680">d) The crest of the driveway providing access between the road and basement car- parking shall be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher. <li data-bbox="446 1680 1444 1792">e) The evacuation requirements of the development during flooding shall be considered in the Statement of Environmental Effects or a separate report must be submitted to Council's Infrastructure Services Team. <li data-bbox="446 1792 1444 1859">f) Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding. <p data-bbox="399 1892 1444 2031">Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.</p>										

28.	PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS <p>The underground basement must be protected from possible inundation by surface waters from the road reserve through the design of the driveway.</p> <p>Evidence from a suitably qualified and practising Engineer who specializes in hydraulic engineering that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate.</p> <p>Condition reason: Ensure surface water does not inundate basement areas.</p>
29.	BASIX <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
30.	ENERGY EFFICIENCY <p>An Energy Assessment Report is to be submitted in accordance with the <i>Waverley Development Control Plan 2022</i>, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.</p> <p>The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.</p> <p>Condition reason: To ensure sustainable development.</p>
31.	SITE WASTE AND RECYCLING MANAGEMENT PLAN <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
32.	WASTE STORAGE AREAS <p>The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and commercial components of the development:</p> <ul style="list-style-type: none"> • Residential <ul style="list-style-type: none"> ○ 4x 240L Mobile Garbage Bins (MGBs) for general waste

	<ul style="list-style-type: none"> ○ 4x 240L MGBs for paper and cardboard recycling ○ 4x 240L MGBs for container recycling ○ 1x 240L bin for garden organics ○ A room or caged area with a minimum floor space of 4m² must be provided for the storage of discarded bulky items and problem waste, awaiting collection. <ul style="list-style-type: none"> • Commercial <ul style="list-style-type: none"> ○ 3x 240L MGBs collected at least twice per week for general waste ○ 2x 240L MGBs and collected at least twice per week for comingled recycling ○ Space must be allocated within the building for the storage of reusable items such as crates and pallets, and bulky waste such as cardboard or soft plastics. <p>All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the Waverley Council Development Control Plan 2022 to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
33.	<p>NOISE MANAGENT PLAN – DEOMOLITION, EXCAVATION AND CONSTRUCTION</p> <p>A site-specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.</p> <p>For further information on the requirements, refer to Council's website:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent</p> <p>Condition reason: To control acoustic impacts to surrounding land uses.</p>
34.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p>

	Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> .
35.	DILAPIDATION REPORT
	<p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> (a) 83 Dover Road, Rose Bay (b) 523 Old South Head Road, Rose Bay <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
36.	RENEWABLE ENERGY AND ENERGY EFFICIENCY
	<p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (c) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

	<p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>
37.	<p>TREE TRANSPLANT METHOD STATEMENT</p> <p>An amended tree transplant method statement must be submitted to and approved by Council's Tree Management Officer containing the following information:</p> <ul style="list-style-type: none"> (a) A site plan (b) Timetable of works (c) Details of site preparation including minimising damage to adjacent vegetation (d) Transplantation method e.g. machinery to be used, excavation techniques, root ball and crown treatments and stabilisation measures (e) Storage: on or off site; details of monitoring and tree care (f) Program of monitoring, during transplant process, after care and maintenance stages (g) Presence (if any) of underground services (h) Marking of northerly aspect. <p>The statement must be prepared by an arborist with a minimum qualification of AQF 5 level.</p> <p>Condition reason: To ensure the health of the <i>Phoenix canariensis</i> (Phoenix Palm), which is proposed to be transplanted within the site.</p>
38.	<p>STREET TREE BOND PAYMENT</p> <p>Pending the excavation and location of underground services, a bond of \$2000 (<i>per tree</i>) is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of:</p> <p><i>Existing trees:</i></p> <ul style="list-style-type: none"> a) One (1) <i>Tristanopsis laurina</i> (Watergum) in a tree pit on Dover Road. <p>Condition Reason: To ensure trees are maintained and protected</p>
39.	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>Public infrastructure works must be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:</p>

	<p>a) The detailed design drawings to include the following:</p> <ul style="list-style-type: none"> i. Include cross-sections at approved intervals demonstrating a consistent 2.5% grade in the pedestrian pathway falling towards the road at all points across all frontage of the site. ii. Include long sections of the footpath, kerb and gutter, site boundary and road centreline showing the existing and proposed RL's, extending 10m either side of the development. iii. Levels along the property boundary with the public domain must either match existing OR maintain a longitudinal grade consistent with the neighbouring properties, at the discretion of Council, iv. Display the existing and proposed reduced levels (RL's) at each access point into the building. v. Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and rear property boundaries. vi. Show details of any transitions required beyond the boundaries of the site. vii. Include details and proposed locations of any street furniture and street trees. viii. Full details of awnings – complying with section 15.4 of the DCP. ix. Include details and specifications of paving such as the materials used, the paving pattern, and jointing plans. x. Show paving pattern and jointing plans being coordinated with the blinding slab. xi. Show all services and pit locations in the footpath area being orientated to align with the direction of travel with infill covers. <p>NOTE: Include the provision of infill lids where appropriate. Note that if any service lids are in poor condition that they must be replaced (in mixed use and residential areas. In Commercial areas they must be replaced with infill covers (with the relevant pavers).</p> <p>b) <u>Road Pavement:</u> The full renewal and reconstruction of asphalt pavement for one traffic lane road width in Dover Rd Street frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council in line with council standard drawings, available online. Line markings to be thermoplastic.</p> <p>c) <u>Footpath, Street Furniture, Kerb and Gutter:</u> The existing footpath, kerb, and gutter traversing Dover Road and Old South Head Road frontages is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.</p> <p>d) Existing street furniture including benches on the public domain must be upgraded as per Public Domian Technical Manual at no cost to council.</p> <p>e) <u>Vehicular Access - Finished Level to Footpath:</u></p>
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	<p>The finished level at the property boundary on both sides of the vehicle crossing is match the level of the existing footpath OR be 110mm above the level of the existing (or approved proposed) top of kerb.</p> <p>f) <u>Street Trees</u>: A minimum of three (3) 200L Cupaniopsis anacardioides (Tuckeroo) street trees must be planted along Dover Road Street frontage.</p> <p>For all the proposed trees within the Council verge, it is necessary to install appropriate tree pits, surrounds, and root cell barriers in accordance with the Waverley Council Public Domain Technical Manual.</p> <p>A \$2000 bond will apply on each tree totalling \$6000.</p> <p>The tree placement must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Waverley Council is to be contacted at the time of installing the root cell barriers prior to planting the new trees.</p> <p>g) Replenish and returf the existing Council verge for the full frontage of the development.</p> <p>h) <u>Undergrounding</u>: All existing overhead power/utility lines along the Old South Head frontage must be placed underground from Pole SY00202 to Pole SY00196. Including the provision of spare conduits for future council use. Number of spare conduits to be coordinated with council infrastructure services.</p> <p>The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.</p> <p>i) <u>Streetlights</u>: New streetlighting serviced by metered underground power and on Multi-Function Poles (MFPs), must be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces for the Old South Head Rd Street frontage.</p> <p>Design plans must be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to lodgement of the scheme with Ausgrid for their approval.</p> <p>Existing utility pole in the corner of Dover Rd and Old South Head Road (Pole: SY00199) to be upgraded to MFP with lighting.</p> <p>j) 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.</p> <p>k) <u>Transport for NSW (TfNSW) Plan Approval</u>: The design and construction of the vehicular crossing, stormwater infrastructure, kerb, and gutter within Old South Head Road must be approved by TfNSW and to the</p>
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	<p>satisfaction of Waverley Council. Details of the necessary <u>TfNSW</u> requirements should be obtained. Approved correspondence must be submitted to Council prior to the issue of a Construction Certificate and commencement of any Public Domain works within Old South Head Road.</p> <p>*Note Council will provide final approval once TfNSW approval is granted.</p> <p>l) <u>Bus Stop</u>: Upgrade the bus stop and bench located on Dover Road frontage of the development to be DDA compliant. The footpath paving surrounding the existing bus stop will require the installation of DDA compliant tactile ground surface indicators in accordance AS 1428.4.</p> <p>The existing bus stop seat and associated street furniture to be removed and upgraded. A compliant detailed design of the works to be submitted to Council for approval prior to commencing work.</p> <p>m) Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.</p> <p>n) The full public domain traversing two street frontages must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.</p> <p>o) One planter box must be installed and maintained along Old South Head Rd frontage. The box dimensions and engineered design are to be approved by the Council officer prior to the issue of the Construction Certificate. A maintenance plan for the proposed planter box is to be provided, and it is the responsibility of the building occupant(s) to implement this plan upon obtaining an Occupation Certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. • The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. • Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated. • Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets
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	<p>from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.</p> <ul style="list-style-type: none"> • Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).
	<p>Condition reason: This condition imposed is to ensure that the public assets within the public domain are upgraded in alignment with the LEP, DCP and/or PDTM.</p>
40.	<p>GROUND ANCHORS</p> <p>Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655.</p> <p>Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p> <p>Condition reason: Under the Roads Act 1993, any proposed part of the structure extending beyond the private property must be reviewed and approved by the Roads Authority being Infrastructure Services Team, Waverley Council.</p>
41.	<p>GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT</p> <p>The following geotechnical and hydrogeological risk management measures must be followed:</p> <ol style="list-style-type: none"> a) Recommendations provided in the Morrow Geotechnics geotechnical report must be followed including design, site investigations, construction methodology and risk mitigation b) Prior to issuance of a Construction Certificate, a Construction Methodology Report (CMR) must be prepared and submitted for the review and approval of the Private Certifying Authority (PCA). A copy of the approval must be submitted to Waverley Council for the purpose of the record keeping. <ol style="list-style-type: none"> i. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience). ii. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements and any other relevant items. iii. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be

	<p>followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation).</p> <ul style="list-style-type: none"> iv. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line. v. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances. vi. The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (V_i, max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: <i>Structural vibration – Part 3: Effects of vibration on structures</i>. vii. The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures. viii. The CMR must be submitted to the Principle Certifying Authority and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records. <ul style="list-style-type: none"> c) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version). d) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements. e) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise
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	<p>directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.</p> <p>f) Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.</p> <p>g) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).</p> <p>h) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.</p> <p>Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'g' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable.</p> <p>Condition reason: This condition imposed is to ensure that the development complies with all the geotechnical requirements and risk management measures specified by the applicant's engineers/experts.</p>
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BEFORE BUILDING WORK COMMENCES

	Condition
42.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
43.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>

44.	TREE PROTECTION																								
	<p>a) All trees to be retained on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, Waverley Council’s Development Control Plan 2022, and the tree protection and planting recommendations in the Arboricultural Impact Assessment and Management Plan prepared by George Palmer, Botanics P/L., Date: September 2024.</p> <p>b) All tree protection shall be removed prior to the issuing of the Occupation Certificate.</p> <p>c) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant’s expense.</p> <p>All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.</p>																								
	Condition reason: To protect and retain trees.																								
45.	TREES TO BE RETAINED/TREE PROTECTION																								
	<table><tr><th>Tree No.</th><th>Species</th><th>Location</th><th>Status</th><th>Action</th></tr><tr><td>T1</td><td><i>Phoenix canariensis</i> (Phoenix Palm)</td><td>Rear yard</td><td>Protected</td><td>Transplant to south-east corner</td></tr><tr><td>T2</td><td><i>Olea europaea</i> (African Olive)</td><td>Northern boundary</td><td>Exempt species</td><td>Remove</td></tr><tr><td>T3</td><td><i>Tristaniopsis laurina</i> (Watergum)</td><td>Grass verge on Dover Road</td><td>Protected</td><td>Retain and protect</td></tr></table>					Tree No.	Species	Location	Status	Action	T1	<i>Phoenix canariensis</i> (Phoenix Palm)	Rear yard	Protected	Transplant to south-east corner	T2	<i>Olea europaea</i> (African Olive)	Northern boundary	Exempt species	Remove	T3	<i>Tristaniopsis laurina</i> (Watergum)	Grass verge on Dover Road	Protected	Retain and protect
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(a) Condition reason: The Schedule shows which trees are approved for removal and replacement, or are to be retained and protected.																									
46.	TREE PROTECTION CERTIFICATE																								
	The onsite arborist is to provide a certificate to Council stating that appropriate tree protection measures have been installed for the trees to be retained and protected.																								
	Condition reason: To ensure trees are protected prior to work commencing.																								
47.	PUBLIC INFRASTRUCTURE PRE-CONSTRUCTION DILAPIDATION REPORT																								
	To ensure Council’s infrastructure is adequately protected, a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles for up to 100m is to be submitted to Council. The report must detail, but not be limited to, the																								

	<p>location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:</p> <ul style="list-style-type: none"> a) Road pavement b) Kerb and gutter c) Footpath d) Drainage pits and lintels e) Traffic signs f) Any other relevant infrastructure <p>The report is to be dated, submitted to, and accepted by Council's Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.</p> <p>Condition reason: This condition is imposed to protect Council's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.</p>
<p>48.</p>	<p>NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS</p> <p>Prior to commencement of the public domain works notice must be submitted to Council's Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the 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.</p> <p>Condition reason: This is to ensure that the development has been granted with relevant CC design approval and obtained relevant permits from Council, along with copies of the current insurances provided to Council.</p>
<p>49.</p>	<p>APPROVALS FOR WORKING THROUGH/WITHIN THE PUBLIC DOMAIN</p> <p>Road Activity Permits - To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Council's website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Public Domain Works.</p> <ul style="list-style-type: none"> a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations. b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.

	<p>c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.</p> <p>d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.</p> <p>e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.</p> <p>f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.</p> <p>g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.</p> <p>Temporary Footpath Crossing - A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.</p> <p>Condition reason: To ensure that works undertaken in the roads, footpaths and verges surrounding the site are undertaken with appropriate planning and approvals in place to maximise safety and limit nuisance to neighbouring properties and members of the public.</p>
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DURING BUILDING WORK

	Condition
50.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
51.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
52.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
53.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
54.	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.
	Condition reason: To ensure building material is stored in an appropriate location.
55.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
56.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
57.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
58.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
59.	VEHICULAR ACCESS – FINISHED LEVEL
	The internal finished level shall be construction to match the longitudinal fall of Council's footpath.

	<p>In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to be 50mm above the level of the back edge of the existing concrete footpath.</p> <p>Should the internal slab be poured incorrectly, Council may ask that internal alterations be made and the slab adjusted at the applicant's cost.</p> <p>Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.</p>
60.	<p>NEW VEHICLE CROSSING</p> <p>A new vehicle crossing is to be provided to access the proposed basement carpark. 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.</p> <p>The crossing is to match the dimensions of the existing vehicle crossing.</p> <p>Condition reason: To ensure an appropriate vehicle crossing is constructed.</p>
61.	<p>ELECTRIC VEHICLE CHARGING FACILITIES</p> <p>All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.</p> <p>At least one of the resident car spaces is to have a charger installed.</p> <p>At least one dedicated space and charging point is to be provided for electric bicycles and mobility scooters.</p> <p>All visitor car spaces require an EV charger with a 3-phase – 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.</p> <p>Condition reason: To ensure an appropriate vehicle crossing is constructed.</p>
62.	<p>PUBLIC DOMAIN ENGINEERING INSPECTIONS</p> <p>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 Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, undergrounding works, street trees and landscaping hold points.</p> <p><u>Stormwater, Kerb and Gutter & Footpath Paving</u></p> <ul style="list-style-type: none"> ○ After formwork installation and prior to casting of all drainage structures e.g. pits, lintels and surface grates ○ After preparation of subgrade ○ After completion of formwork and prior to casting of concrete ○ After full completion and restoration <p><u>Road Pavement</u></p>

	<ul style="list-style-type: none"> ○ Subgrade trim & compacted ○ Sub-base spread and compacted ○ Wearing course laid ○ After Full completion <p><u>Landscape</u></p> <ul style="list-style-type: none"> ○ After completion of plantings ○ After full completion and restoration <p>All applicable engineering inspection fees in accordance with Council's Pricing policy – Fees & Charges are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.</p> <p>Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
63.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
64.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
65.	<p>CERTIFICATION OF APPROVED DESIGN</p> <p>In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
66.	<p>CERTIFICATION OF LANDSCAPING</p> <p>At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>
67.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>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, detention facility, pump out facility and other drainage-related infrastructure.</p>

	<p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p>
	<p>Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.</p>
68.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p>
	<p>Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.</p>
69.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p>
	<p>Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD, pump out, infiltration system) are not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.</p>
70.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR STORMWATER QUALITY IMPROVEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater quality improvement system under Section 88E of the Conveyancing Act</p>

	<p>1919, to ensure the system is maintained and functioning effectively. The property owner/occupant must not modify or remove the system without consent from Council. The covenant requirements must include the submission of an annual report on water treatment by the first business day on or after the 1st of September each year.</p> <p>The applicant must submit Council's Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the stormwater quality improvement system is not modified or removed without Council consent and that it is maintained in order to minimise pollution entering the catchment from the site.</p>
71.	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>The registered proprietor will 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.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p> <p>Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure pump out systems are maintained and continue to operate as intended.</p>
72.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OVERLAND FLOW PATH</p> <p>A "Positive Covenant" and "Restriction on the Use of Land" must be created for the overland flow path under Section 88E of the Conveyancing Act 1919, to ensure the unobstructed passage of stormwater through the site. The property owner/occupant must not modify or remove the overland flow path without consent from Council.</p> <p>The applicant must submit Council's Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p>

	Condition reason: This is to ensure the overland flow path is not modified, removed or blocked without Council consent and that it is maintained in order to minimise flooding impacts within the catchment.
73.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must 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 must include commentary to support any variations from the approved drawings.</p> <p>Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.</p>
74.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant and approved by must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Occupation Certificate.</p> <p>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 must be submitted to support all variations from the approved plans.</p> <p>Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed by per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.</p>
75.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p> <p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer.</p> <p>Notes</p> <ol style="list-style-type: none"> The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.

	<p>iii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue of the compliance certificate for the public domain works for the Occupation Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner during the twelve (12) months' defects liability period. A bond in the form of a cash deposit for the value of the public domain works following final completion of the works shall be lodged with Waverley Council prior upon release of the damage deposit subsequent issuance of the OC Compliance Certificate. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.</p> <p>Condition reason: This is to ensure that all works are completed as per the approved DA and Council's requirements including any restorations works. This includes rectification of any part of the work which fails to perform during the 12 months defects liability period prior to handing over to Council.</p>
76.	<p>POSITIVE COVENANT</p> <p>Any proposed building encroachment, inclusive of awnings into the Council's Road reserve must be noted in the Positive Covenant with details of the extent of these encroachments. Prior to the issue of any Occupation Certificate for the development, the applicant must prepare an instrument compliant with NSW Land Registry Services requirements and create a positive covenant in accordance with section 88E of the Conveyancing Act 1919 on the subject land. The purpose of this positive covenant is to ensure that the registered owner of the land, at their own cost and risk:</p> <ul style="list-style-type: none"> a) Maintains and repairs, at all times, the area of the land subject to the positive covenant to a standard commensurate with Council's standards for the maintenance of such facility. b) Maintains, at all times, public liability insurance, with a minimum coverage of \$20 million, with Council identified as an interested party in that insurance policy. <p>The positive covenant placed on the title of the property must acknowledge that any future redevelopment of the site must be within the property boundary. i.e., if, at any point in the future, the existing structures subject to a positive covenant, including any balconies, balustrades, eaves, and pipes, encroaching onto Council land, are demolished, they must not be reconstructed in their existing alignment. Furthermore, the building owner is prohibited from altering the extent of the encroachment/s.</p> <p>The wording of the positive covenant must acknowledge that the property owner will not assert adverse possession rights over the existing encroachment/s.</p> <p>The instrument creating the positive covenant mentioned in this condition is to be submitted to Council for approval and registered with the NSW Land Registry Services before an Occupation Certificate is issued.</p> <p>The covenant must not be revoked or modified without the prior approval of Council.</p>

	<p>All costs associated with the covenant are to be borne by the applicant.</p> <p>Condition reason: Under the Roads Act 1993 any encroachment into Council and public land is not permitted unless a positive covenant created in accordance with section 88E of the Conveyancing Act 1919 on the subject land.</p>
77.	<p>DECOMMISSIONING GROUND ANCHORS</p> <p>Decommissioning of Ground Anchors – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.</p> <p>Condition reason: Temporary ground anchors were approved, but these must be destressed to prevent ongoing load and or damage to Council assets.</p>
78.	<p>CERTIFICATION OF ALL MECHANICAL PLANT</p> <p>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.</p> <p>Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.</p>
79.	<p>CERTIFICATION OF ACOUSTIC PERFORMANCE</p> <p>An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council's Executive Manager Compliance, 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.</p> <p>Condition reason: To protect the amenity of the local area.</p>
80.	<p>PEST CONTROL</p> <p>A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.</p> <p>Condition reason: To reduce and control pests and vermin.</p>
81.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>

<p>82.</p>	<p>CAR PARKING</p> <p>A total of 11 car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> (a) 8 standard residential parking spaces and 1 accessible residential parking spaces. (b) 1 of the above residential parking spaces must be allocated for use by one of the affordable housing units. (c) 2 residential visitor parking spaces. (d) Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6:2009 Off Street Parking for People with Disabilities. (e) All car spaces are to be clearly delineated and numbered. (f) 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. (g) All car spaces are to be appropriately signposted and marked. (h) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans. <p>As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.</p> <p>Condition reason: To ensure the amount of car parking on site is reflective of the approval.</p>
<p>83.</p>	<p>BICYCLE PARKING</p> <p>A total of 10 bicycle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> (a) 8 residential bicycle spaces (b) 2 visitor bicycle spaces (c) At least 2 of these spaces to be located at ground level, adjacent to lobby. <p>The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3:2015 Parking Facilities – Bicycle Parking.</p> <p>The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.</p> <p>Signage and line-marking (wayfinding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).</p> <p>As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.</p> <p>Condition reason: To ensure the site promotes sustainable transport in the form of bicycles.</p>

<p>84.</p>	<p>PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE</p> <p>A Site Waste and Recycling Management Plan must be submitted to the Principal Certifying Authority and include the following:</p> <ul style="list-style-type: none"> (a) All arrangements including relevant and current contracts for waste and recycling collection for the commercial component of the development (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water. (d) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed. (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants. (g) Responsibilities for regular monitoring of bins for contamination and educating residents on how to use the waste and recycling services. (h) Responsibilities to liaise with the council or the collection contractor on waste management issues and service requests. (i) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible. (j) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested. (k) At no times shall bins be stored on the public domain (e.g. footpaths). <p>Condition reason: To ensure adequate waste management on site.</p>
<p>85.</p>	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:</p> <ul style="list-style-type: none"> – No. 525 - primary address site number – Old South Head Road - primary address location.

	<ul style="list-style-type: none"> ○ Vehicle entry point -Dover Road <p>The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point and be clearly visible on the site boundary that fronts Old South Head Road and Dover Road.</p> <p>The following sub addressing principles will apply:</p> <ul style="list-style-type: none"> – Shop 1 and 2 for the commercial sub-address sites within the building correlating with Ground floor plans for the building, – Nos. 3-5 for the residential sub-address site within the building correlating with first floor plans for the building. – Nos. 6-7 for the residential sub-address site within the building correlating with second floor plans for the building. – Nos. 8-9 for the residential sub-address site within the building correlating with third floor plans for the building. – Nos. 10 for the residential sub-address site within the building correlating with fourth floor plans for the building. <p>The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.</p> <p>The address number for a sub-address site shall not consist of the primary address number on its own.</p> <p>Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.</p> <p>The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.</p> <p>Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
86.	<p>FLOOR SPACE RATIO</p> <p>The following applies to Floor Space Ratio:</p> <ul style="list-style-type: none"> (a) The Gross Floor Area of the building shall be limited to 961.4 m². (b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier. <p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>
87.	<p>BUILDING HEIGHT</p> <ul style="list-style-type: none"> (a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:

	<p>i. Ridge/parapet height: RL 31,200</p> <p>ii. Roof plant height: RL 31,800</p> <p>Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved height.</p>
88.	<p>AFFORDABLE HOUSING – IN-FILL AFFORDABLE-HOUSING</p> <p>An Occupation Certificate must not be issued in respect of the building the subject of this Consent until:</p> <ul style="list-style-type: none"> • A signed letter from the nominated registered CHP managing the affordable housing unit (Units 5 and 7 as nominated on the approved plans contained in condition 1 of this consent), within this development confirming the providers engagement is to be submitted and be to the satisfaction of Council's Executive Manager, Urban Planning (or delegate), and • A copy of the agreement including the nominated timeframe for the affordable housing tenure, the number and location of units is sent to Council's Executive Manager, Urban Planning (or delegate). Such an agreement should also stipulate that the selected CHP send an update at the end of every financial year to Council with this information, including information on rents and occupancy rate which will be saved on Council's file (Trim reference No. A22/0503). <p>A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on the title which restricts the use of any accommodation to which this development consent relates. The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. The cost of preparation and registration of any legal restriction(s), agreement(s) and all other documentation is to be met by the Registered Proprietor.</p> <p>Condition reason: To ensure that Council is aware of which registered community housing provider is operating the affordable units on site, to provide Council with data surrounding affordable housing rents and occupancy rates, and to ensure that the nominated affordable units are being rented as affordable.</p>
89.	<p>AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF THE WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012</p> <p>The Affordable Housing Contribution is as follows:</p> <p>a. Pursuant to Clause 6.17 of the Waverley Local Environmental Plan 2012 and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing.</p> <p>The contribution of \$148,940 payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any</p>

	Occupation Certificate. This contribution amount has been calculated based on a total proposed residential gross floor area of 6.77sqm.
	Condition reason: The proposal requires a contribution in accordance with CI 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.

OCCUPATION AND ONGOING USE

	Condition
90.	AMENITY
	<p>The management of the premises is to:</p> <ul style="list-style-type: none"> (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.
	Condition reason: To protect the amenity of the local area.
91.	NOISE EMISSIONS
	<p>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.</p>
	Condition reason: To protect the amenity of the local area.
92.	AIR EMISSIONS
	<p>The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.</p>
	Condition reason: To protect the amenity of the local area.
93.	NOISE – MECHANICAL PLANT (COMMERCIAL PREMISES)
	<p>Noise associated with mechanical plant shall not give rise to any one or more of the following:</p> <ul style="list-style-type: none"> (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.
	Condition reason: To protect the amenity of the local area.

94.	REFRIGERATION UNITS & MECHANICAL PLANT
	Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.
	Condition reason: To protect the amenity of the local area.
95.	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.
	Condition reason: To ensure the management of waste is ongoing.
96.	NOISE COMPLAINTS
	<p>If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) The identification of sensitive noise receivers potentially impacted by the proposal; (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements); (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy; (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; <p>A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.</p>
	Condition reason: To protect the amenity of the local area.
97.	VEHICLE ACCESS
	All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

	Condition reason: To ensure safe manoeuvring of vehicles.
98.	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.
	Condition reason: To ensure existing signs are replaced.
99.	USE OF PLANT ROOMS
	The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.
	Condition reason: To ensure the plant room is not used for storage purposes.
100.	ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM
	An ongoing maintenance plan for the stormwater systems is to be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.
	At a minimum, the system must be:
	<ul style="list-style-type: none"> a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner.
	Not be altered without prior consent in writing of the Council.
101.	ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM
	The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.
	Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.
102.	ONGOING FLOODING REQUIREMENTS
	The site flood emergency response warning systems and plan must be regularly maintained, reviewed and/or updated and be in good working order at all times.
	Condition reason: Ensure the development continues to must have a net neutral effect on flood behaviour, and does not increase risk to the occupants.
103.	ONGOING MAINTENANCE – 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.

	Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.
104.	AFFORDABLE HOUSING – MANAGEMENT AND OCCUPANCY
	Units 5 and 7 as nominated on the approved plans contained in condition 1 of this consent are to be used for the purposes of ‘affordable housing’, as defined in Clause 13 of the State Environmental Planning Policy (Housing) 2021 for a minimum period of 15 years commencing from the date of the issue of any Occupation Certificate for this development.
	All accommodation that is used for affordable housing will be managed by a registered Community Housing Provider (CHP) and is to provide accommodation for a household identified to be on very low, low to moderate incomes.
	Condition reason: To clarify the management and occupancy of affordable housing units, and to comply with the requirements of Chapter 2 Part 2 Division 1 of State Environmental Planning Policy (Housing) 2021.

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
8.	<p>SITE RECTIFICATION WORKS</p> <p>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.</p> <p>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:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> Make the building/site safe and of an appearance acceptable to Council; Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.

	<p>iv. Council may call on any bank guarantee to cover the cost thereof.</p> <p>(b) 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.</p>
9.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
10.	<p>BONDI - ROSE BAY SAND BODY</p> <p>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.</p> <p>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.</p>
11.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>
12.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>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.</p>
13.	<p>PARKING PERMITS</p> <p>Occupants of the building are not to be eligible for resident parking permits under Council's Resident Parking Scheme.</p>
14.	<p>SEPARATE APPLICATION FOR FIT OUT/USE</p> <p>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, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.</p>
15.	<p>LITTER CHECKS</p> <p>Regular Litter patrols are to be undertaken in the general vicinity of any food premises (20 metres from the front door of the premises) to monitor litter, including cigarette butt litter and packaging. Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature. Building management must provide tenant and resident education to ensure appropriate disposal of cigarette butts.</p>
16.	<p>WASTE MANAGEMENT PLAN REVIEW</p> <p>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.</p>

17.	<p>DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)</p> <p>Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.</p>
18.	<p>TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS</p> <p>Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but is not limited to works performed for the purpose of connection/s to public utilities, including repair of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.</p>

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

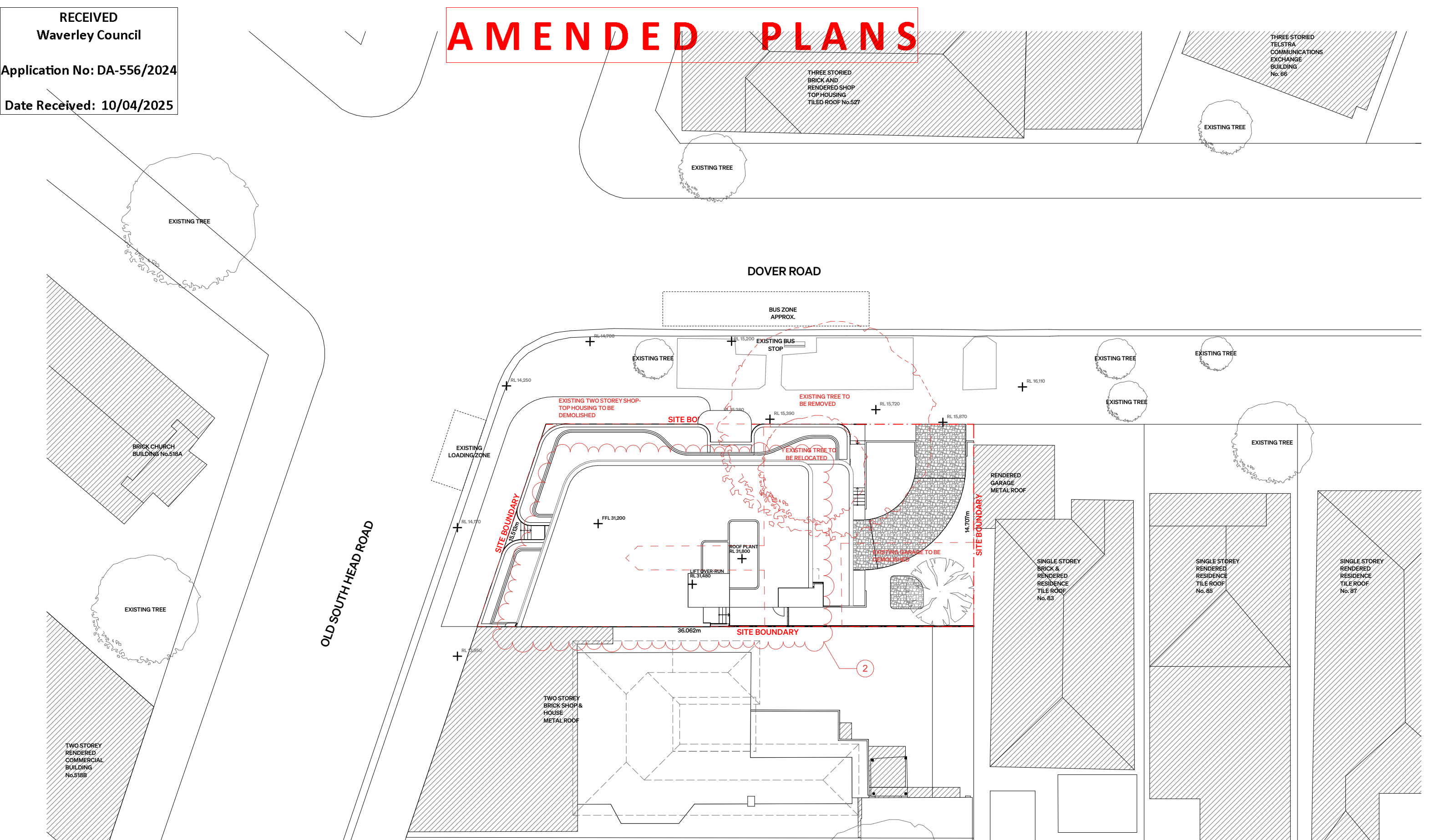
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

AMENDED PLANS

AMENDED PLANS



2

SITE PLAN
1:250

SRH
ARCHITECTURE

SRH Architecture Pty Ltd
Level 1, 17-19 Brisbane Street, Surry Hills NSW 2010
T. +612 8302 3200 | office@srharchitecture.com
Nominated Architect: Simon Hanson #6739

General
This drawing shall be read in conjunction with all other architectural and consultant drawings and specifications and with such other written instructions issued during the course of the contract. Notify architect of any discrepancies before proceeding with work. Materials and workmanship shall be in accordance with the specification, current SAA codes, building regulations and other statutory authorities. Verify all dimensions on site and notify architect of any discrepancies. Use figured dimensions only.

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Notes/Legend:

509

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments

Project:
525 OLD SOUTH HEAD
ROAD ROSE BAY

Stage:
DA APPLICATION

North

Scale @A3
1:250

Drawing title
SITE PLAN

Drawn WW	Checked HHH	Approved SRH
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Client
RONNIE
SHULKIN

Date
21/01/2025

PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
24058

Drawing No.
DD1000

Revision
B

AMENDED PLANS



85 DOVER ROAD



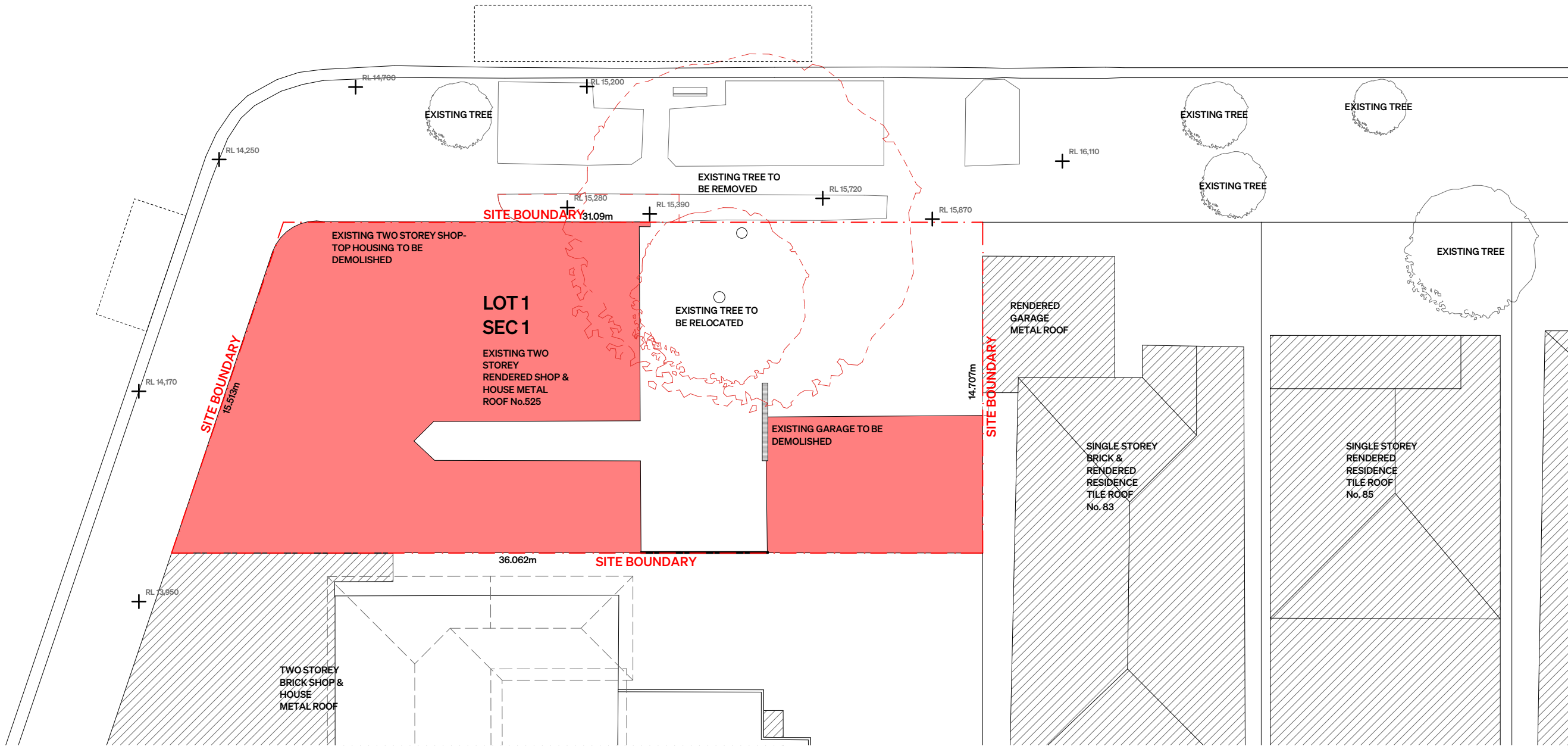
83 DOVER ROAD



525 OSHR



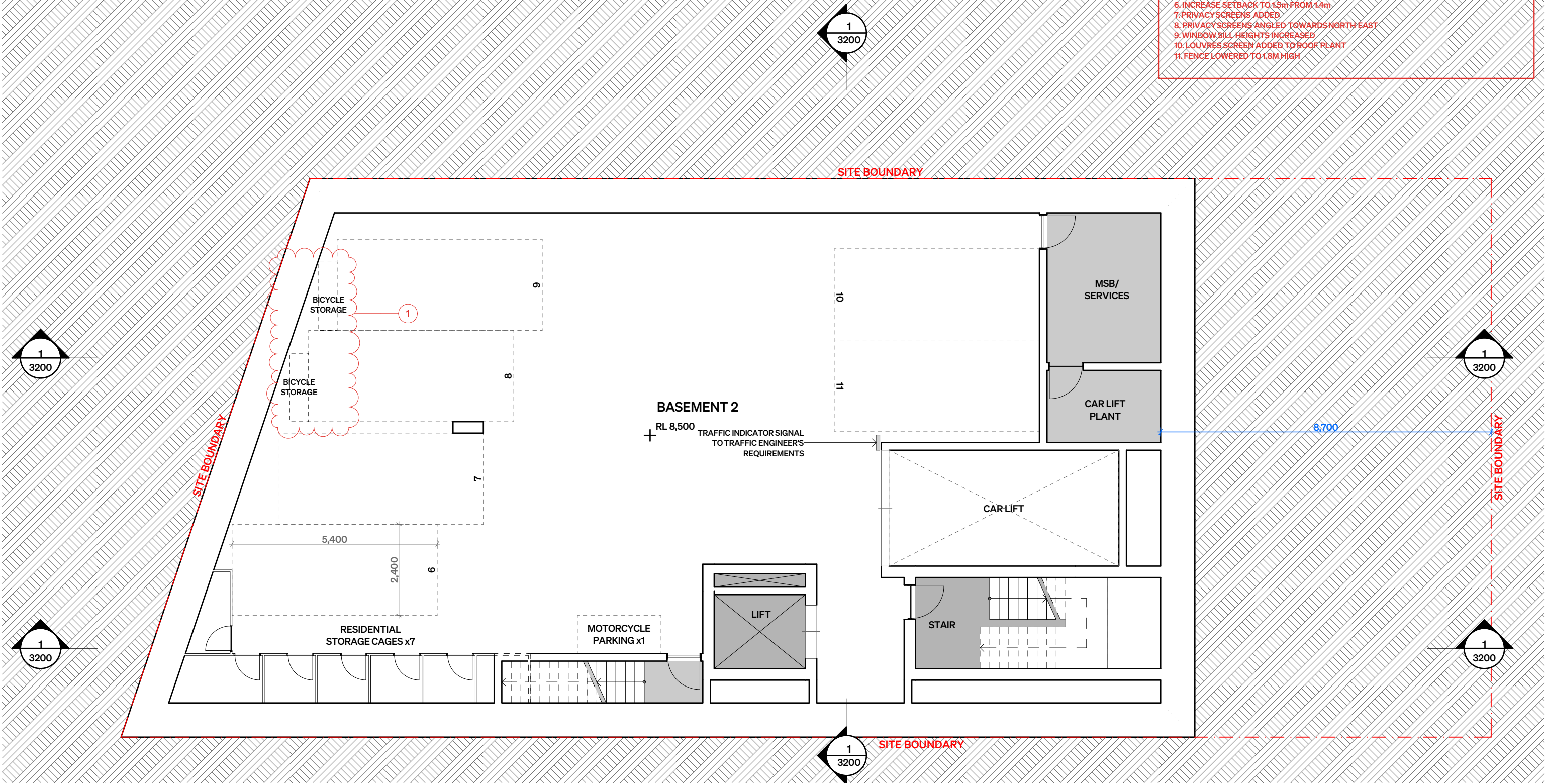
519-521 OSHR



1 DEMOLITION PLAN
1:200

AMENDED PLANS

- AMENDMENTS:
- 1. BIKE STORAGE RELOCATED TO ACCOMMODATE FLOODING LEVELS
 - 2. VISITOR CAR PARKING ALLOCATED
 - 3. STAIR TO BASEMENT AND COMMERCIAL LEVELS AMENDED TO FLOOD REQUIREMENTS
 - 4. BUILDING ENVELOPE AMENDED TO OFFSET GFA INCLUSION OF COMMERCIAL BIN STORAGE
 - 5. DRIVEWAY AND LEVELS AMENDED TO FLOOD REQUIREMENTS
 - 6. INCREASE SETBACK TO 1.5m FROM 1.4m
 - 7. PRIVACY SCREENS ADDED
 - 8. PRIVACY SCREENS ANGLED TOWARDS NORTH EAST
 - 9. WINDOW SILL HEIGHTS INCREASED
 - 10. LOUVRES SCREEN ADDED TO ROOF PLANT
 - 11. FENCE LOWERED TO 1.8M HIGH



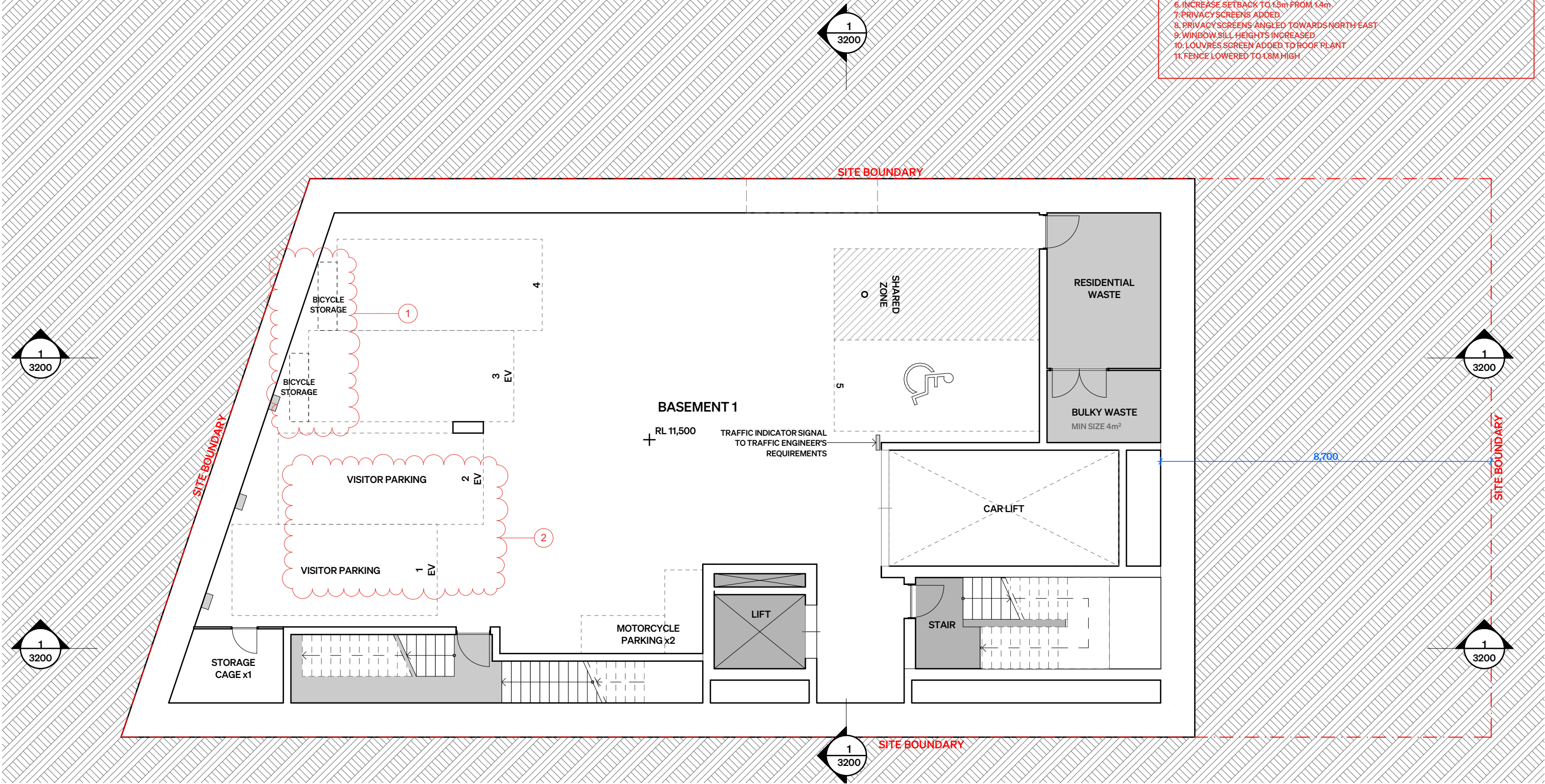
1

BASEMENT 2
1:100

NOTE: EV CHARGING PROVISION TO BE MADE FOR ALL
PARKING SPOTS

AMENDED PLANS

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- 1. BIKE STORAGE RELOCATED TO ACCOMMODATE FLOODING LEVELS
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1 BASEMENT 1
1:100 NOTE: EV CHARGING PROVISION TO BE MADE FOR ALL
PARKING SPOTS

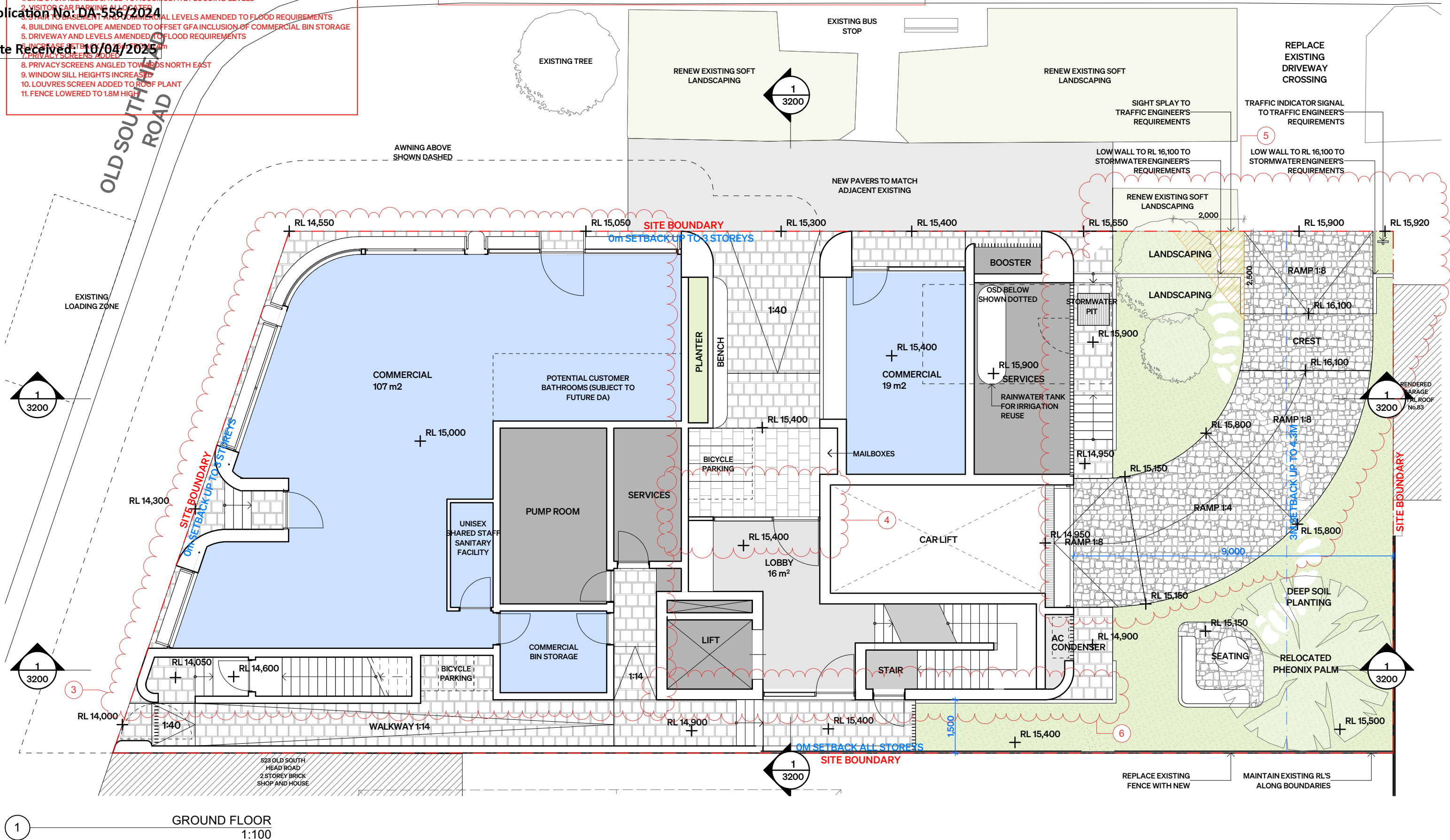
Waverley Council

1. BIKE STORAGE RELOCATED TO ACCOMMODATE FLOODING LEVELS
2. VISITOR CAR PARKING ALLOCATED
3. FLOODING LEVELS AMENDED TO F
4. BUILDING ENVELOPE AMENDED TO OFFSET GFA INCLUSION OF C
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11. FENCE LOWERED TO 1.8M HIGH

Application No: DA-556/2024

Date Received: 10/04/2025

AMENDED DOVER ROAD PLANS



GROUND FLOOR
1:100

1

S	R
H	A

SRH Architecture Pty Ltd
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srharchitecture.com
Nominated Architect: Simon Hanson #6739

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B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
**525 OLD SOUTH HEAD
ROAD ROSE BAY**

Stage:
DA APPLICATION

North



Scale @A3
1:100

Drawing title

GROUND FLOOR PLAN

Drawn	Checked	Approved
WW	HHH	SRH

Client **RONNIE SHULKIN** Date **08/04/2025**

PRELIMINARY
NOT FOR CONSTRUCTION

ect No.
4058

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02002

sion

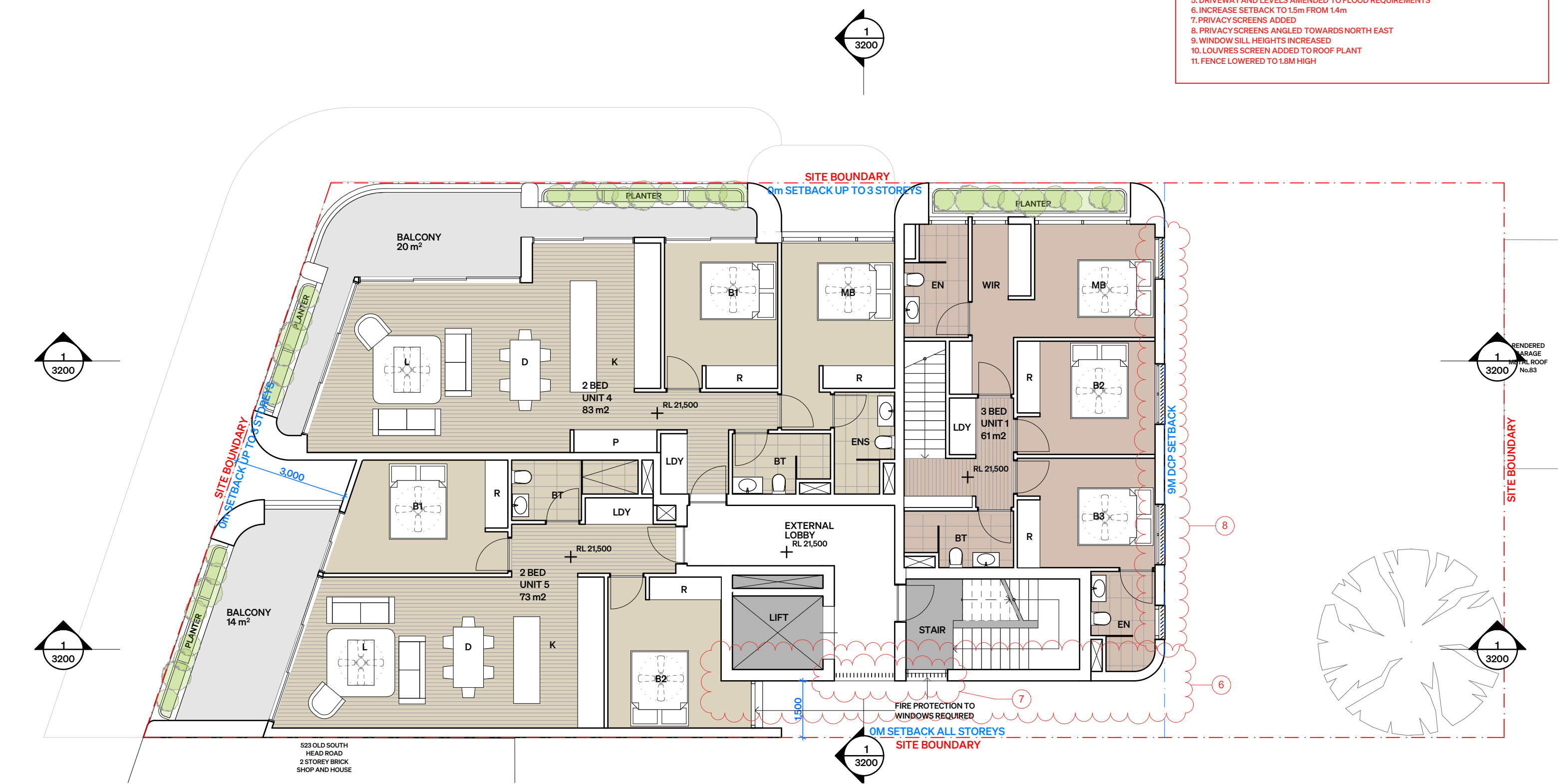
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10. LOUVRES SCREEN ADDED TO ROOF PLANT
11. FENCE LOWERED TO 1.8M HIGH



AMENDED PLANS

- AMENDMENTS:
- BIKE STORAGE RELOCATED TO ACCOMODATE FLOODING LEVELS
 - VISITOR CAR PARKING ALLOCATED
 - STAIR TO BASEMENT AND COMMERCIAL LEVELS AMENDED TO FLOOD REQUIREMENTS
 - BUILDING ENVELOPE AMENDED TO OFFSET GFA INCLUSION OF COMMERCIAL BIN STORAGE
 - DRIVEWAY AND LEVELS AMENDED TO FLOOD REQUIREMENTS
 - INCREASE SETBACK TO 1.5m FROM 1.4m
 - PRIVACY SCREENS ADDED
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 - WINDOW SILL HEIGHTS INCREASED
 - LOUVRES SCREEN ADDED TO ROOF PLANT
 - FENCE LOWERED TO 1.8M HIGH



1

SECOND FLOOR
1:100



SRH Architecture Pty Ltd
Level 1, 17-19 Brisbane Street, Surry Hills NSW 2010
T: +612 8302 3200 | office@srharchitecture.com
Nominated Architect: Simon Hanson #6739

General

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Notes/Legend:

L	LIVING ROOM	ENS	ENSUITE BATHROOM
D	DINING ROOM	PDR	POWDER ROOM
B1/B2/B3	BEDROOM	P	PANTRY
MB	MASTER BEDROOM	K	KITCHEN
BT	BATHROOM	LDY	LAUNDRY
	CEILING FAN		

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
**525 OLD SOUTH HEAD
ROAD ROSE BAY**

Stage:
DA APPLICATION

North

Scale @A3
1:100

Drawing title
SECOND FLOOR PLAN

Drawn	Checked	Approved
WW	HHH	SRH

Client
**RONNIE
SHULKIN**

Date
08/04/2025

PRELIMINARY
NOT FOR CONSTRUCTION

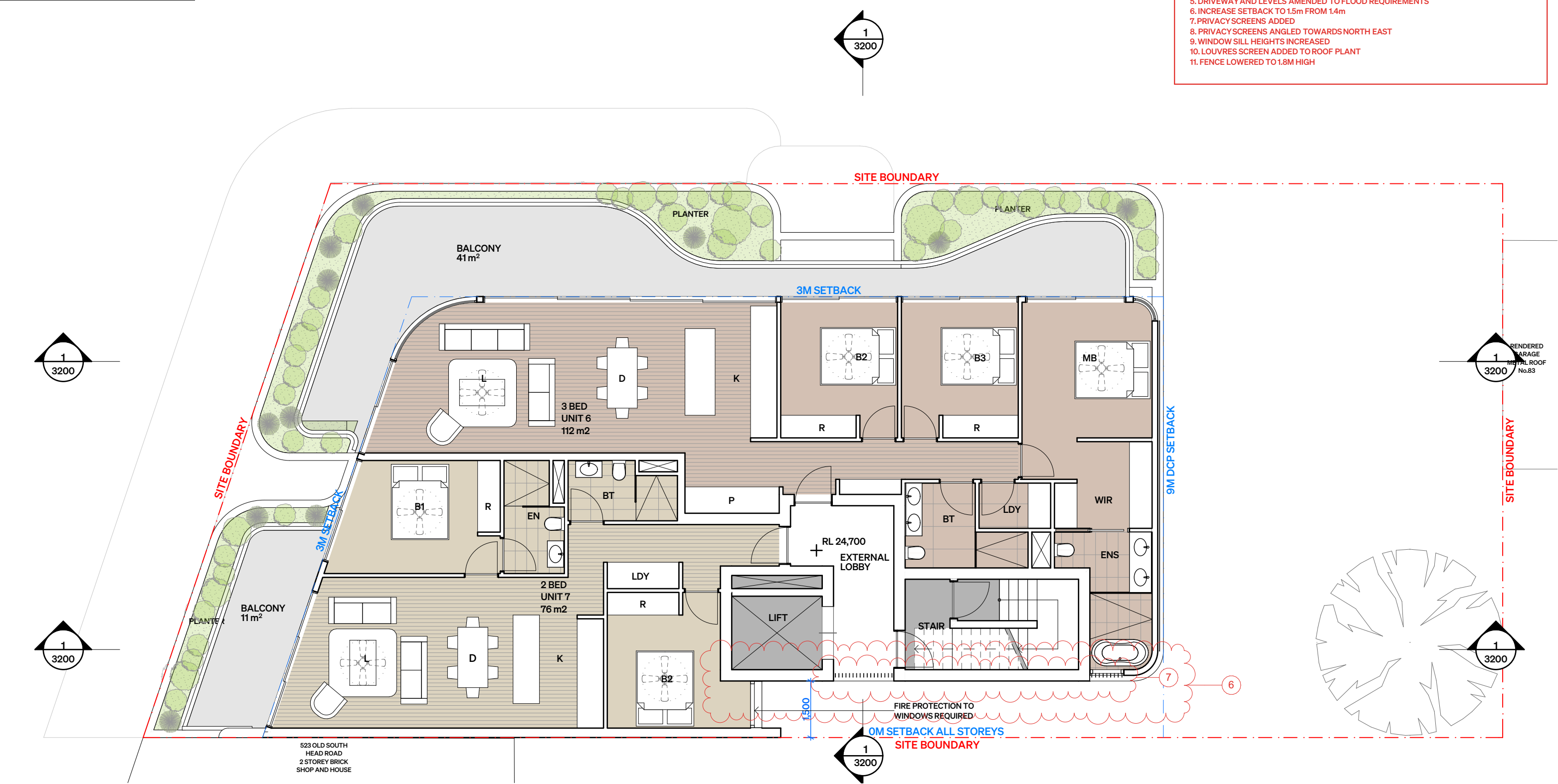
Project No.
24058

Drawing No.
DD2004

Revision
C

AMENDED PLANS

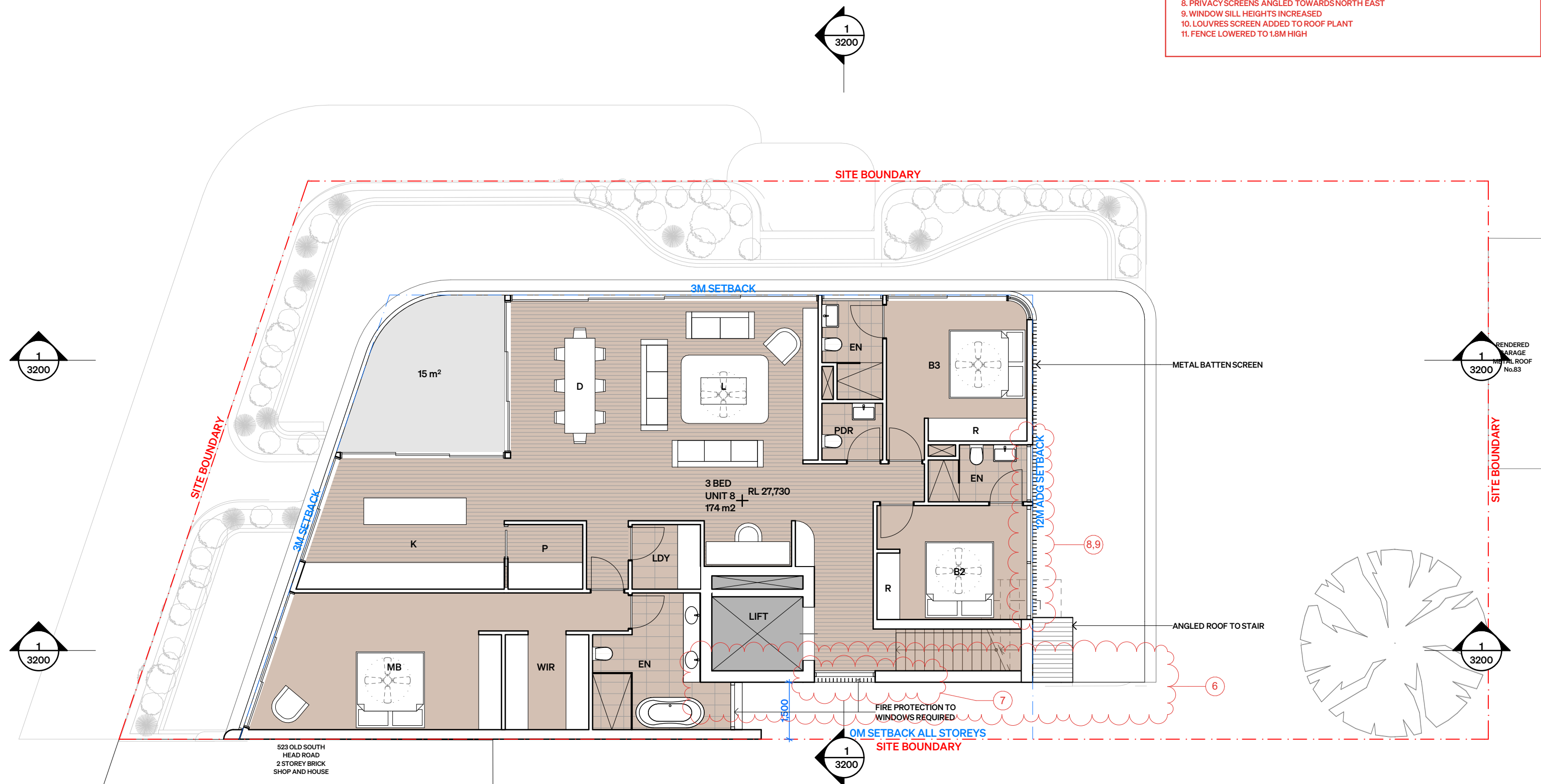
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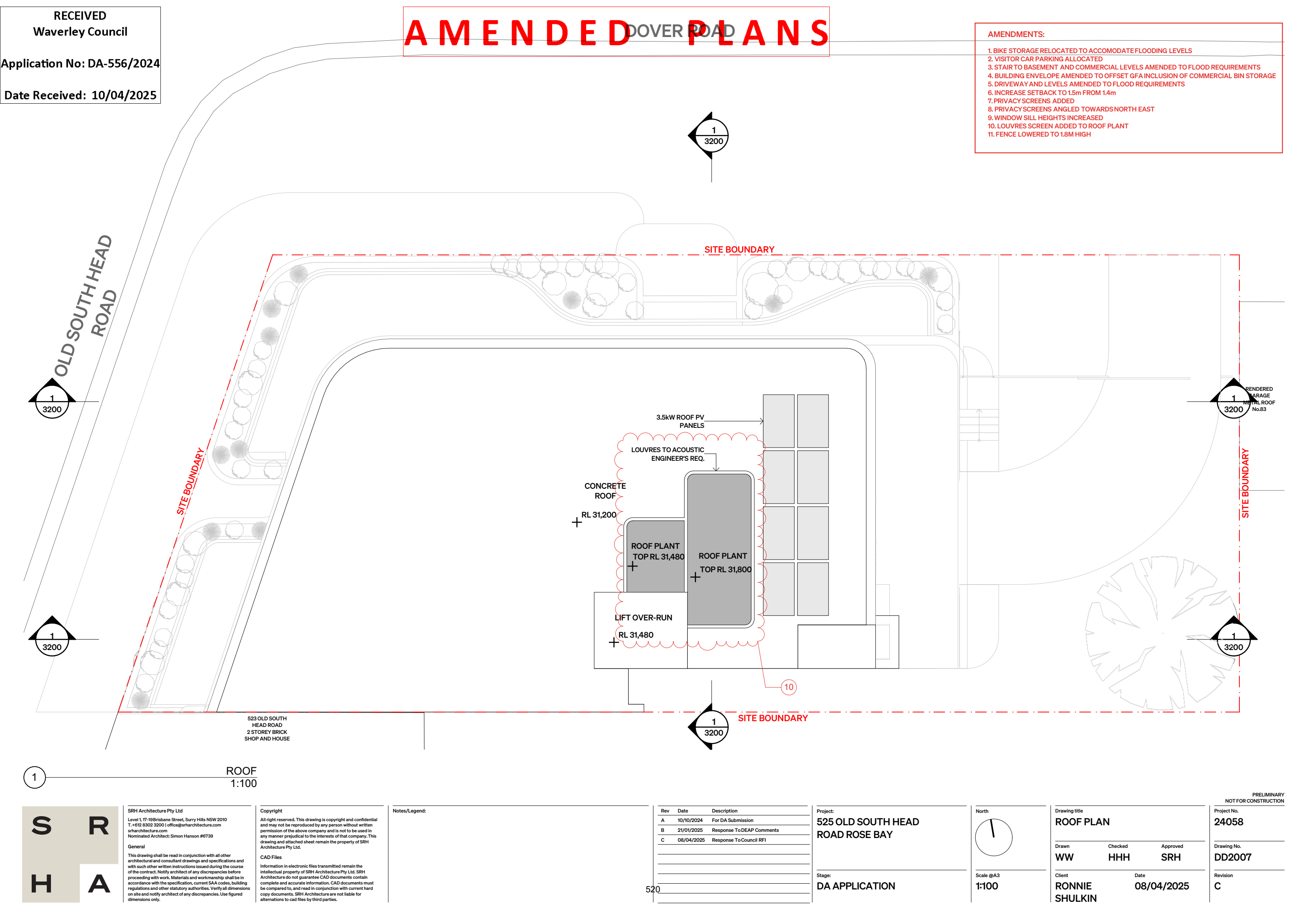
1 THIRD FLOOR
1:100

AMENDED PLANS

- ## AMENDMENTS:
1. BIKE STORAGE RELOCATED TO ACCOMMODATE FLOODING LEVELS
 2. VISITOR CAR PARKING ALLOCATED
 3. STAIR TO BASEMENT AND COMMERCIAL LEVELS AMENDED TO FLOOD REQUIREMENTS
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FOURTH FLOOR
1:100



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Waverley Council

Application No: DA-556/2024

Date Received: 10/04/2025

GROUND FLOOR
1:250

AMENDED PLANS

SECOND FLOOR
1:250

1

ALLOWABLE GFA: 961.74m²

TOTAL GFA CALCULATIONS		
LEVEL		AREA
GROUND FLOOR	COMMERCIAL	126.9
GROUND FLOOR	RESIDENTIAL	14.8
FIRST FLOOR	RESIDENTIAL	220.1
SECOND FLOOR	RESIDENTIAL	227.0
THIRD FLOOR	RESIDENTIAL	198.9
FOURTH FLOOR	RESIDENTIAL	173.7
TOTAL		961.4 m ²

AFFORDABLE GFA	
STOREY	AREA
FIRST FLOOR	72.1
SECOND FLOOR	72.1
144.2 m ²	

PROPOSED AFFORDABLE AREA: 144.2m²/961.4m² = 15%

- AMENDMENTS:
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 - FENCE LOWERED TO 1.8M HIGH

FIRST FLOOR
1:250

THIRD FLOOR
1:250

FOURTH FLOOR
1:250

SRH
A

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Notes/Legend:

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
**525 OLD SOUTH HEAD
ROAD ROSE BAY**

Stage:
DA APPLICATION



Drawing title		
AREA CALCULATIONS 1		
Drawn WW	Checked HHH	Approved SRH
Client RONNIE SHULKIN	Date 08/04/2025	

PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
24058

Drawing No.
DD2400

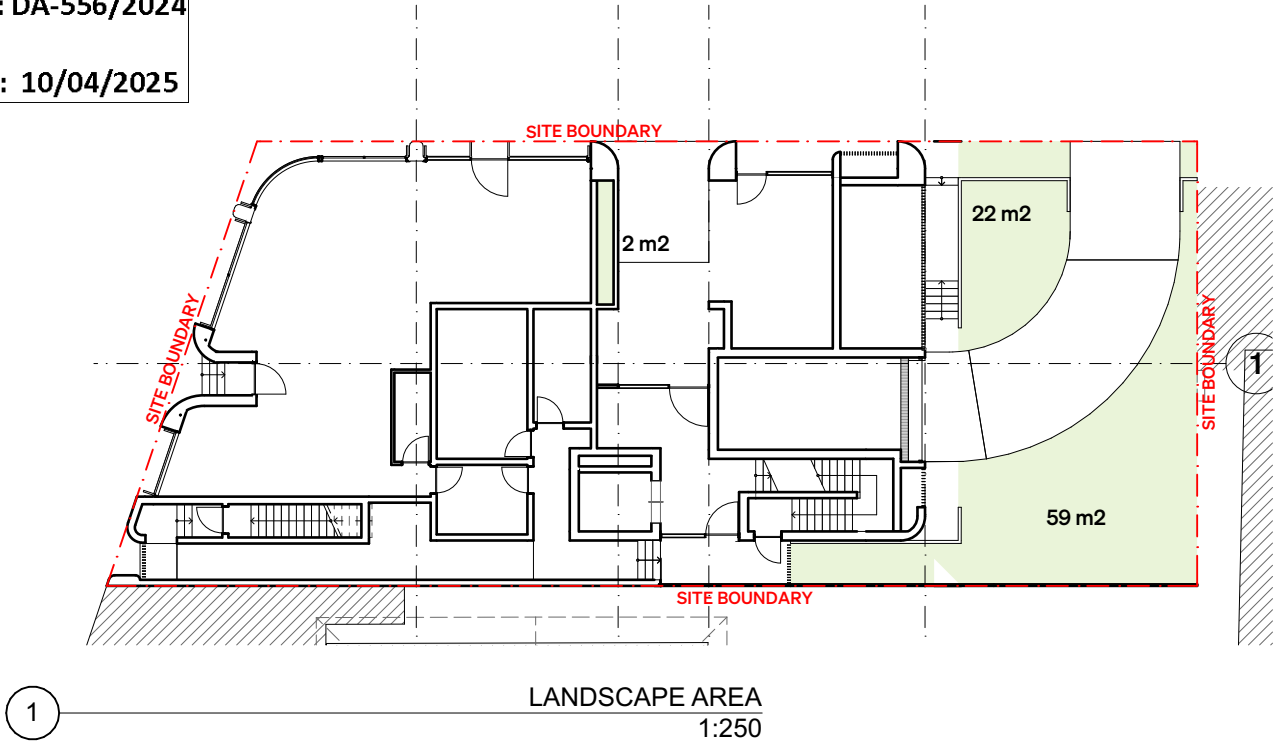
Revision
C

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Application No: DA-556/2024

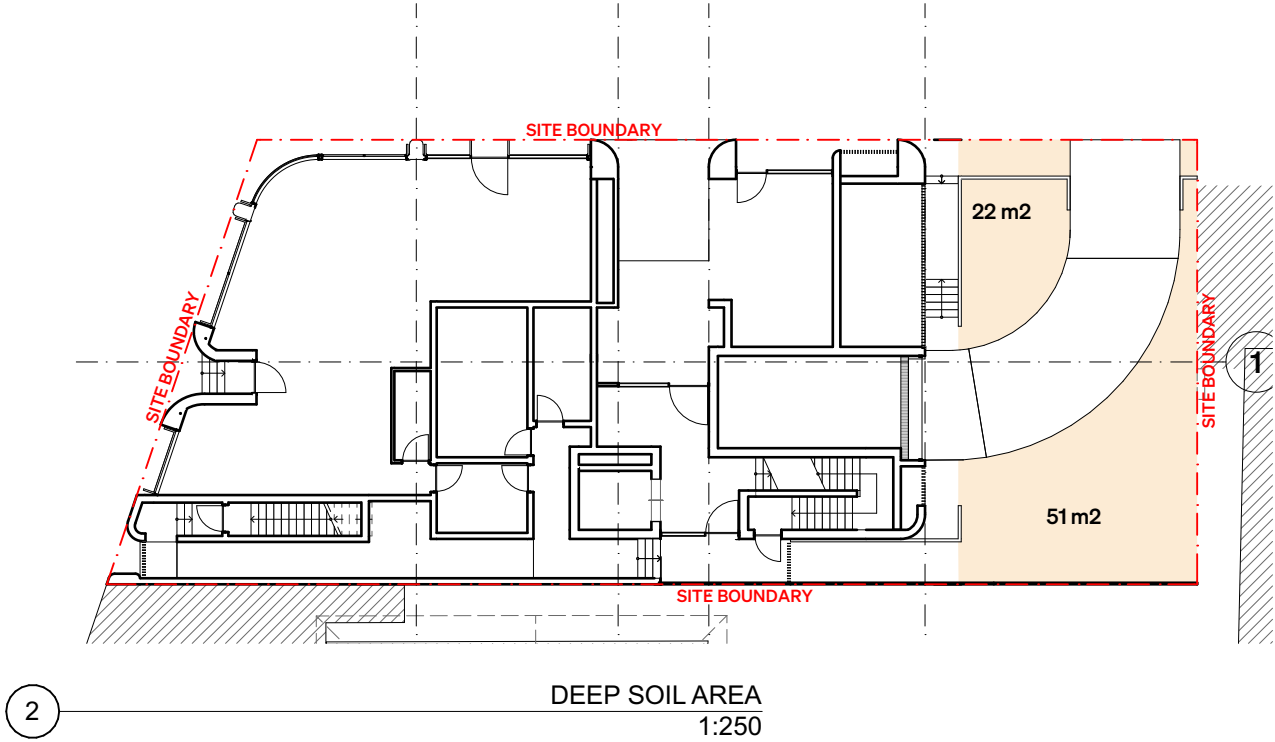
Date Received: 10/04/2025

AMENDED PLANS



SITE AREA: 493.2m²

LANDSCAPE + DEEP SOIL CALCULATION		
AREA		
DEEP SOIL	73m ² (15%) COMPLIES	ADG (7% REQUIRED)
LANDSCAPE	83m ² (17%)	



RECEIVED
Waverley Council

	2+ HOURS SOLAR ACCESS	CROSS VENTILATION
UNIT 1	COMPLIES	COMPLIES
UNIT 2	COMPLIES	COMPLIES
UNIT 3	COMPLIES	COMPLIES
UNIT 4	COMPLIES	COMPLIES
UNIT 5	COMPLIES	COMPLIES
UNIT 6	COMPLIES	COMPLIES
UNIT 7	COMPLIES	COMPLIES
UNIT 8	COMPLIES	COMPLIES

Application No: DA-556/2024

Date Received: 10/04/2025

ADG REQUIREMENT:

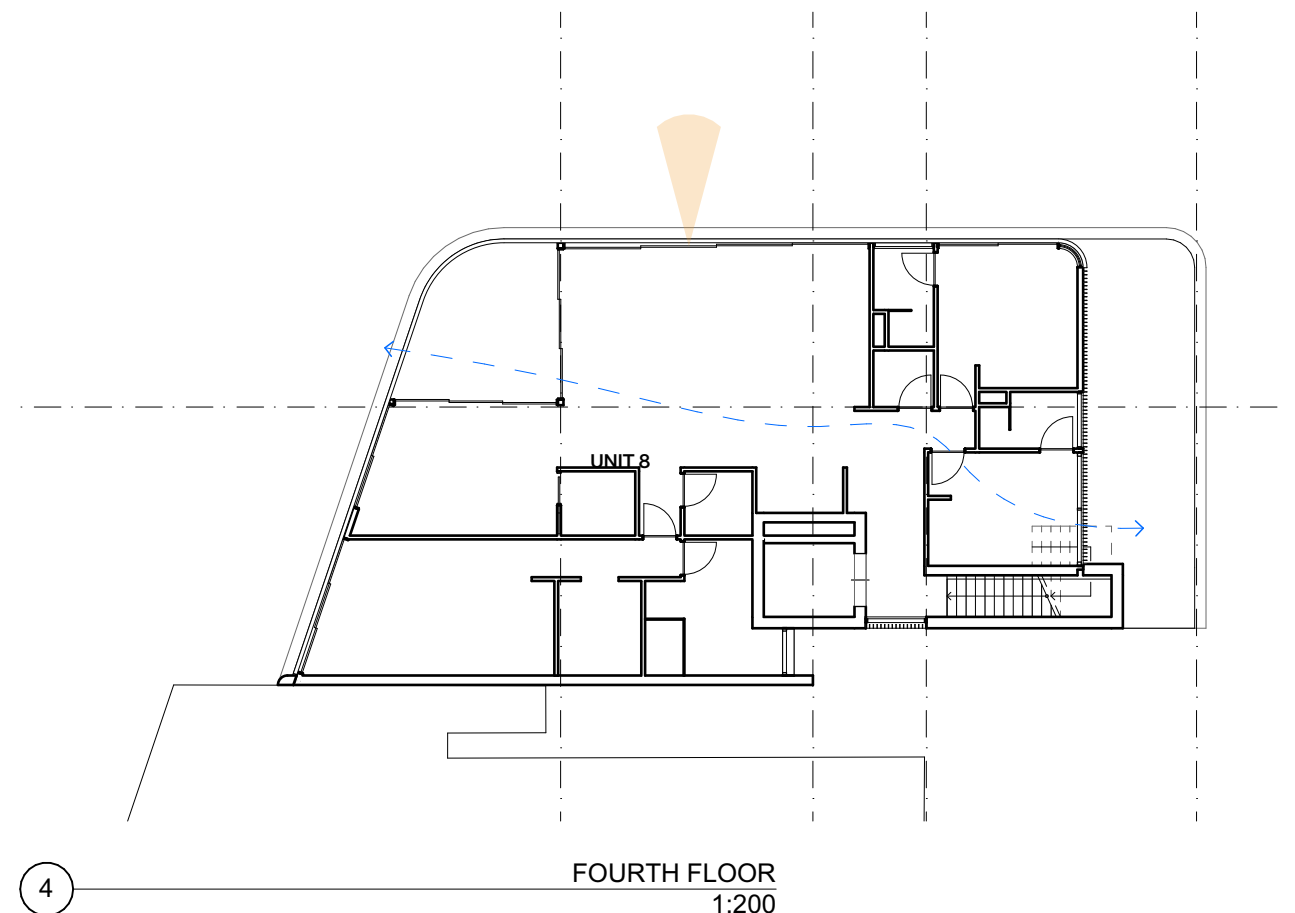
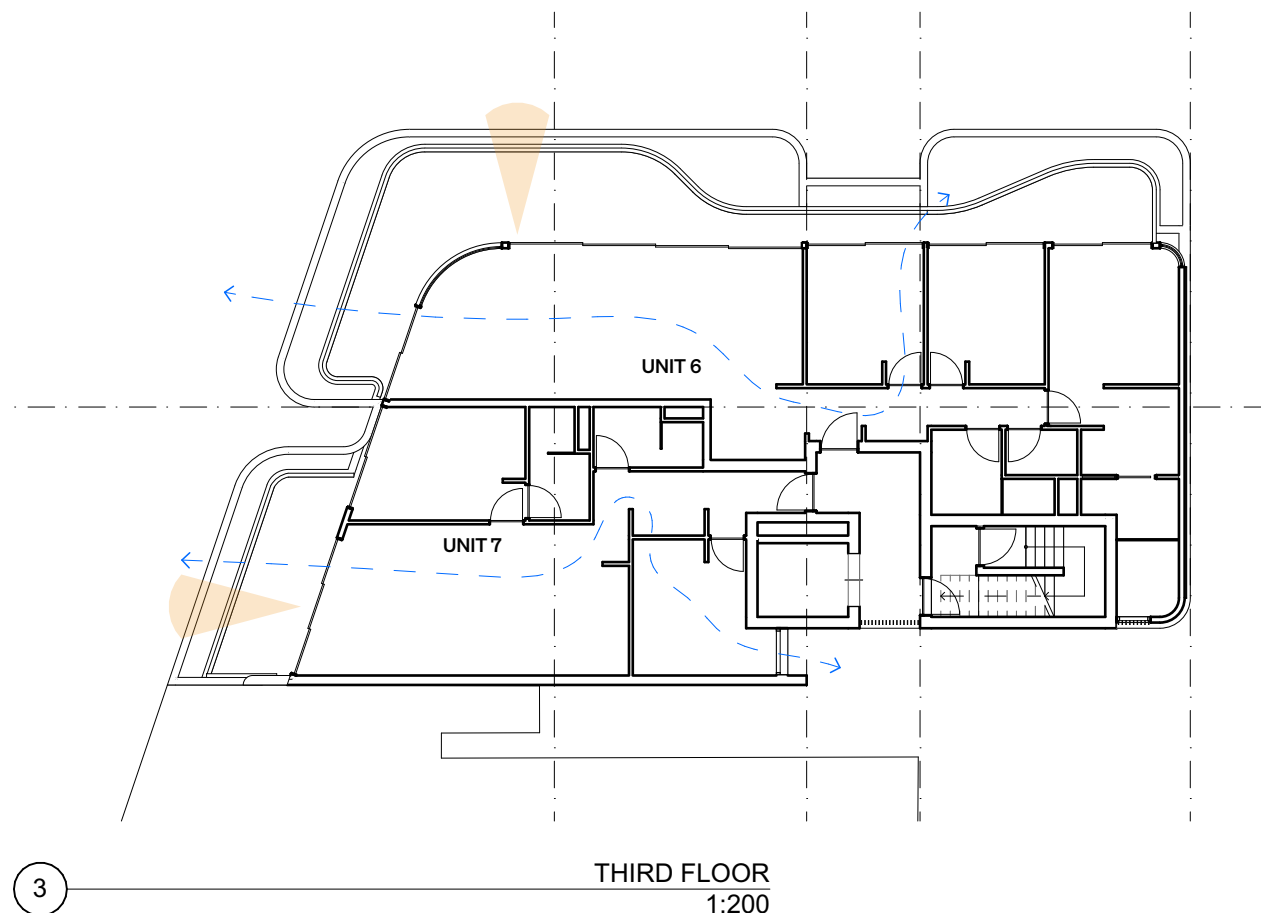
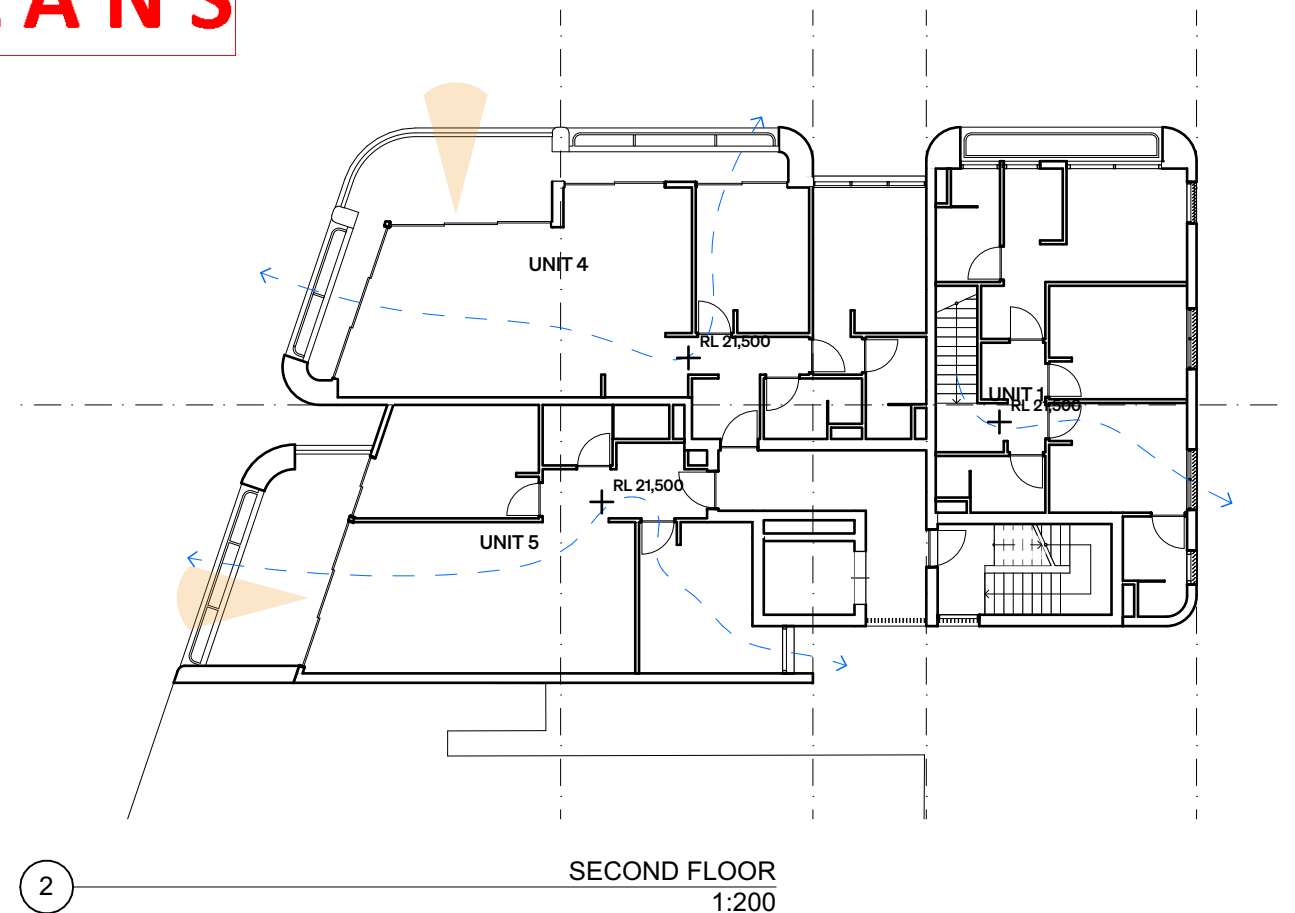
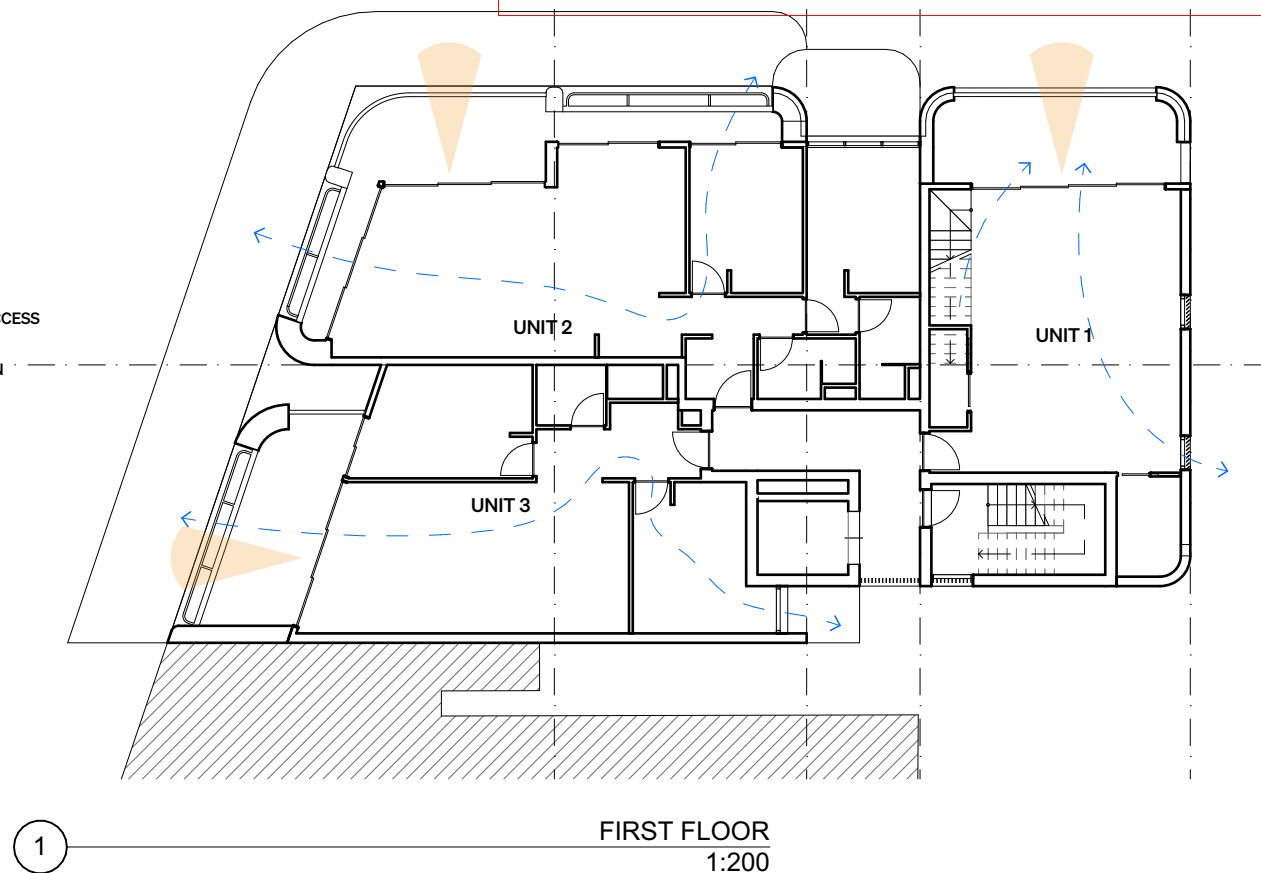
REQUIRED: 70% OF UNITS HAVE 2+ HOURS SOLAR ACCESS

PROPOSED : 8/8 UNITS (100%) COMPLIES

REQUIRED: 60% OF UNITS HAVE CROSS VENTILATION

PROPOSED: 8/8 UNITS(100%) COMPLIES

AMENDED PLANS



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Nominated Architect: Simon Hanson #6739

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Notes/Legend:

[illegible]

Project:

525 OLD SOUTH HEAD
ROAD ROSE BAY


Stage:

DA APPLICATION

North



Scale @A3

<p>North</p>  <p>Scale @A3</p>	<p>Drawing title</p> <h1>ADG COMPLIANCE</h1>		
	<p>Drawn</p> <p>WW</p>	<p>Checked</p> <p>HHH</p>	<p>Approved</p> <p>SRH</p>
<p>Client</p> <p>RONNIE SHUI KIN</p>		<p>Date</p> <p>21/01/2025</p>	

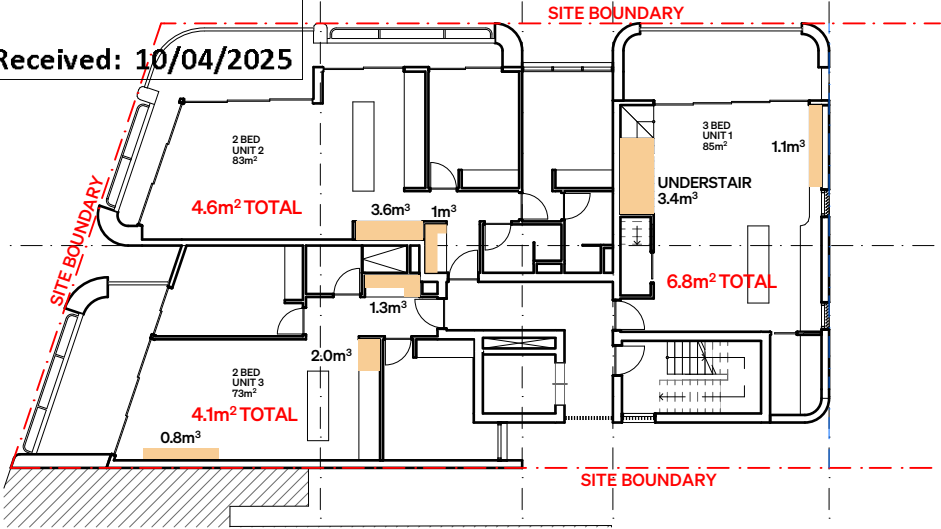
PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
24058

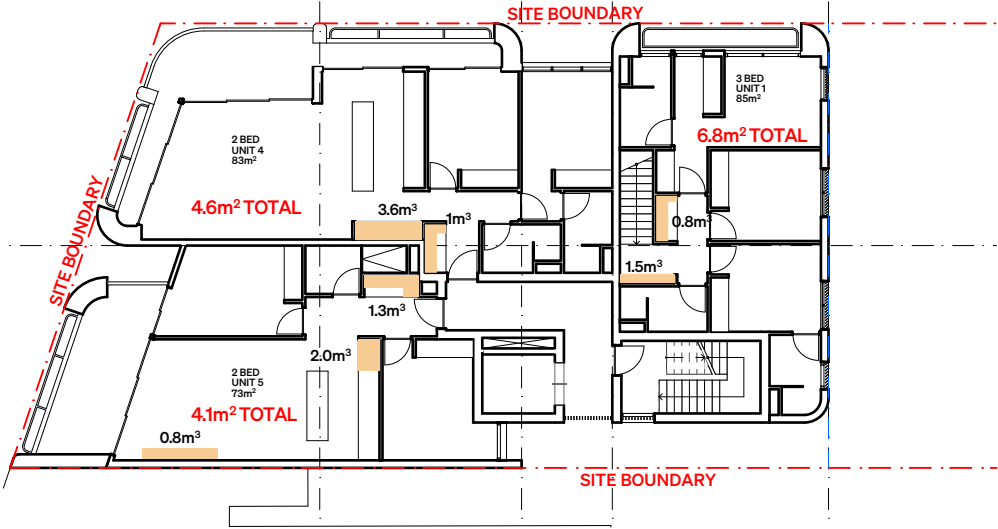
Drawing No.
DD2402

3

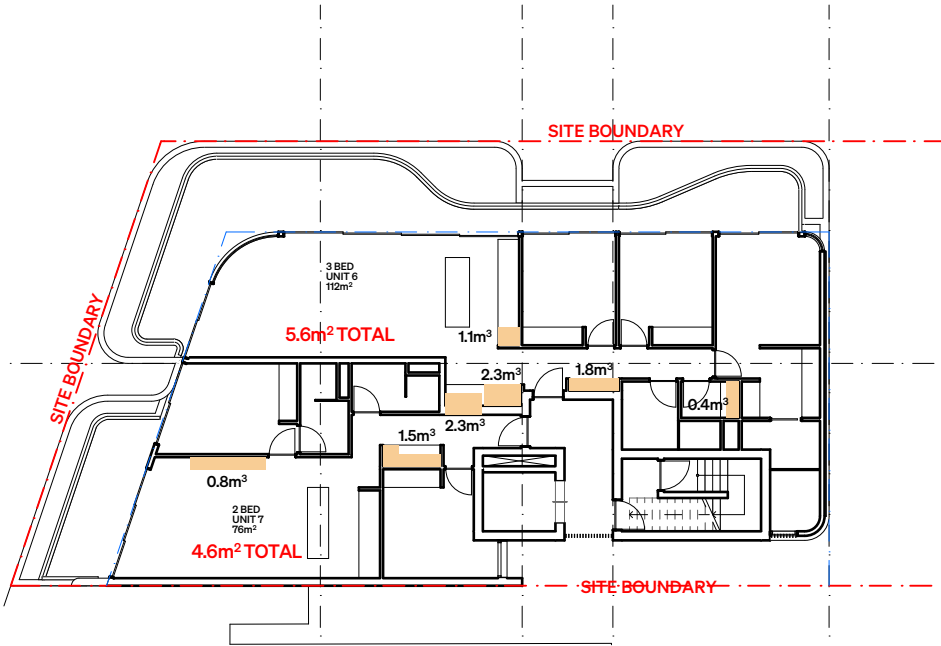
AMENDED PLANS



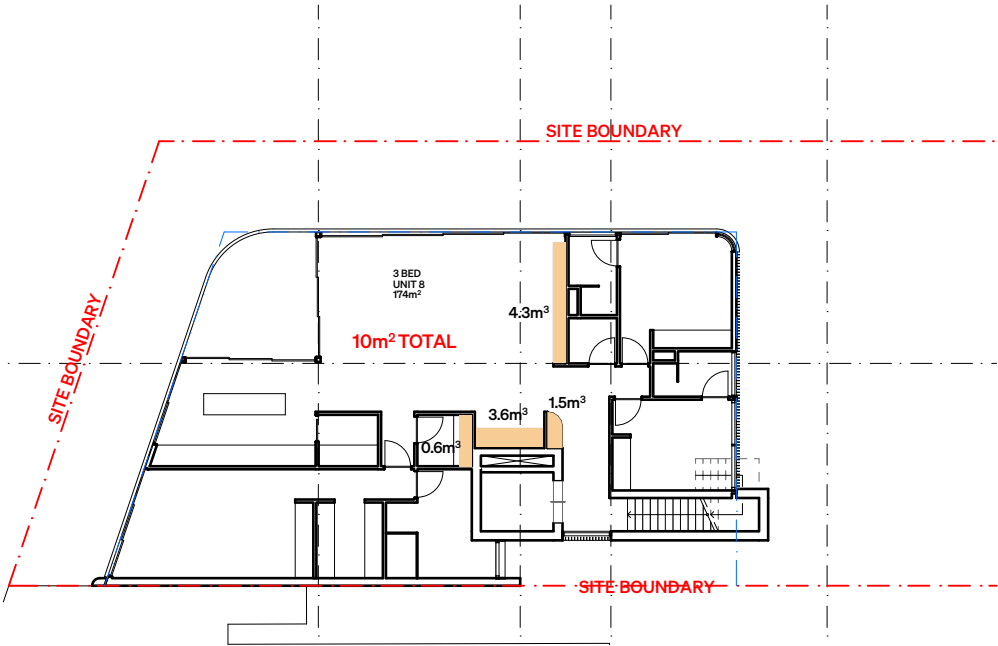
1 FIRST FLOOR STORAGE
1:250



2 SECOND FLOOR STORAGE
1:250

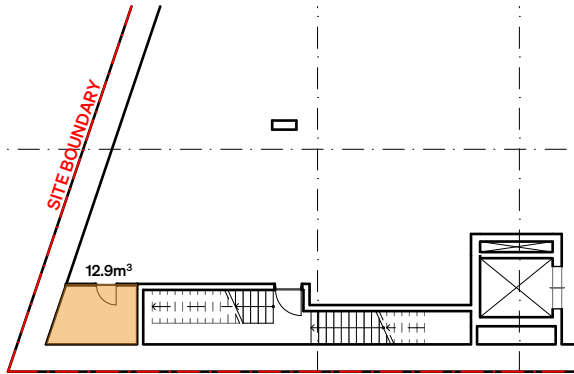


3 THIRD FLOOR STORAGE
1:250

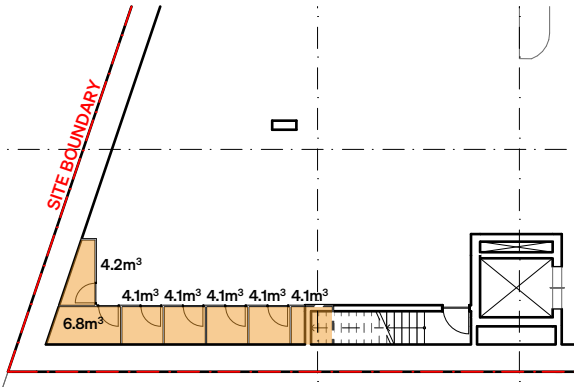


4 FOURTH FLOOR STORAGE
1:250

STORAGE CALCULATION					
UNITS	UNIT TYPE	INTERNAL STORAGE M³	BASEMENT STORAGE M³	REQUIRED STORAGE M³	TOTAL STORAGE M³
UNIT 1	3 BED	6.8	4.2	10	11
UNIT 2	2 BED	4.6	4.1	8	8.7
UNIT 3	2 BED	4.1	4.1	8	8.2
UNIT 4	2 BED	4.6	4.1	8	8.7
UNIT 5	2 BED	4.1	4.1	8	8.2
UNIT 6	3 BED	5.6	6.8	10	12.4
UNIT 7	2 BED	4.6	4.1	8	8.7
UNIT 8	3 BED	10	12.9	10	22.9
TOTAL		44.4	44.4	70	88.8



5 BASEMENT 1 STORAGE
1:250



6 BASEMENT 2 STORAGE
1:250

Rev	Date	Description
A	08/04/2025	Response To Council RFI

Project:
**525 OLD SOUTH HEAD
ROAD ROSE BAY**

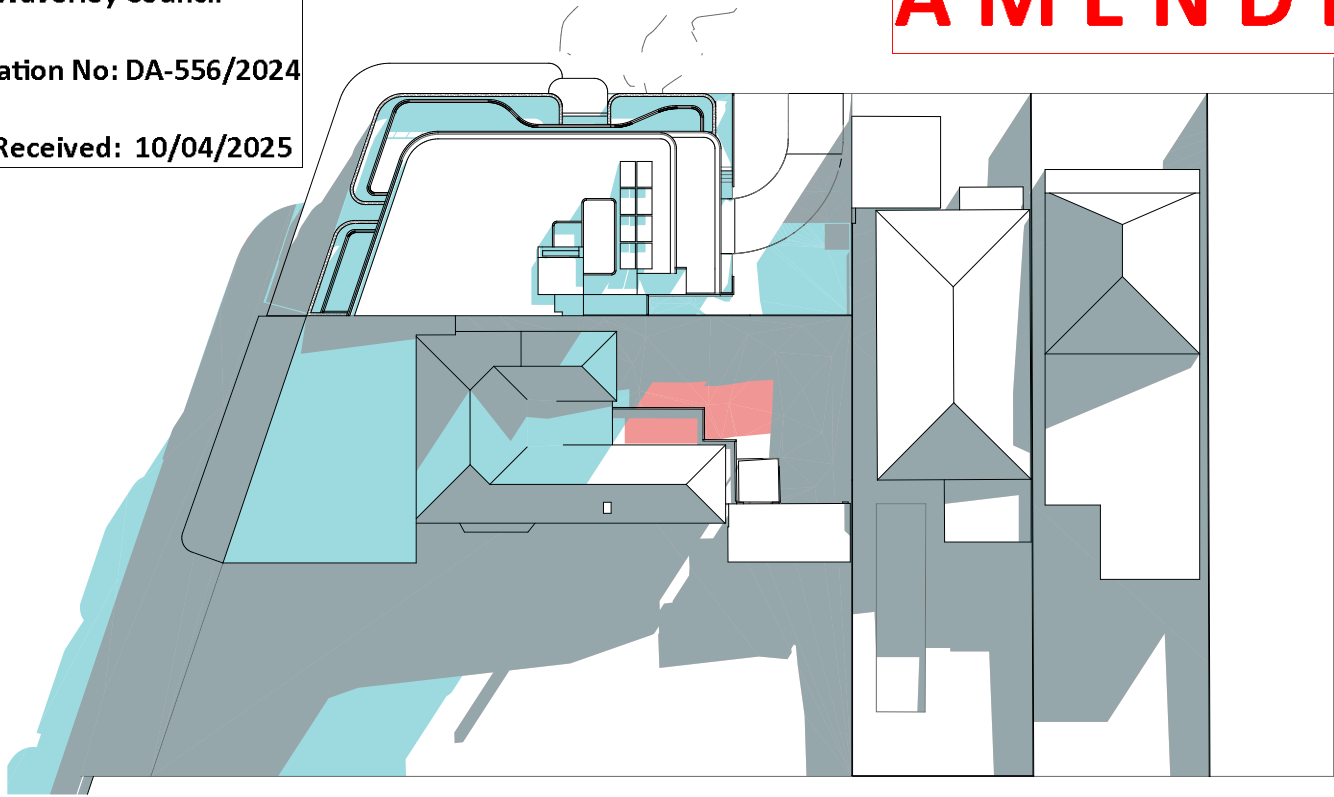
Stage:
DA APPLICATION



Drawing title		
STORAGE AREA CALCULATION		
Drawn WW	Checked HHH	Approved SRH
Client RONNIE SHULKIN	Date 08/04/2025	

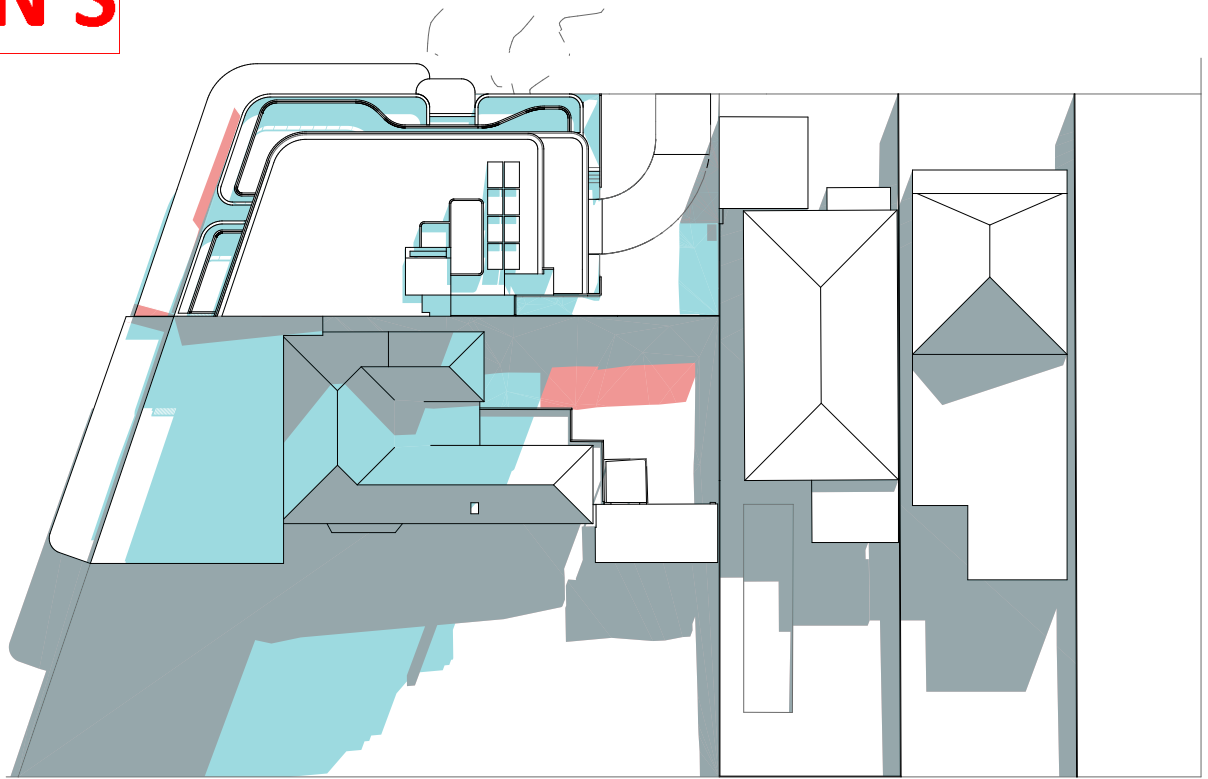
PRELIMINARY NOT FOR CONSTRUCTION	
Project No. 24058	Drawing No. DD2403
Revision A	

AMENDED PLANS



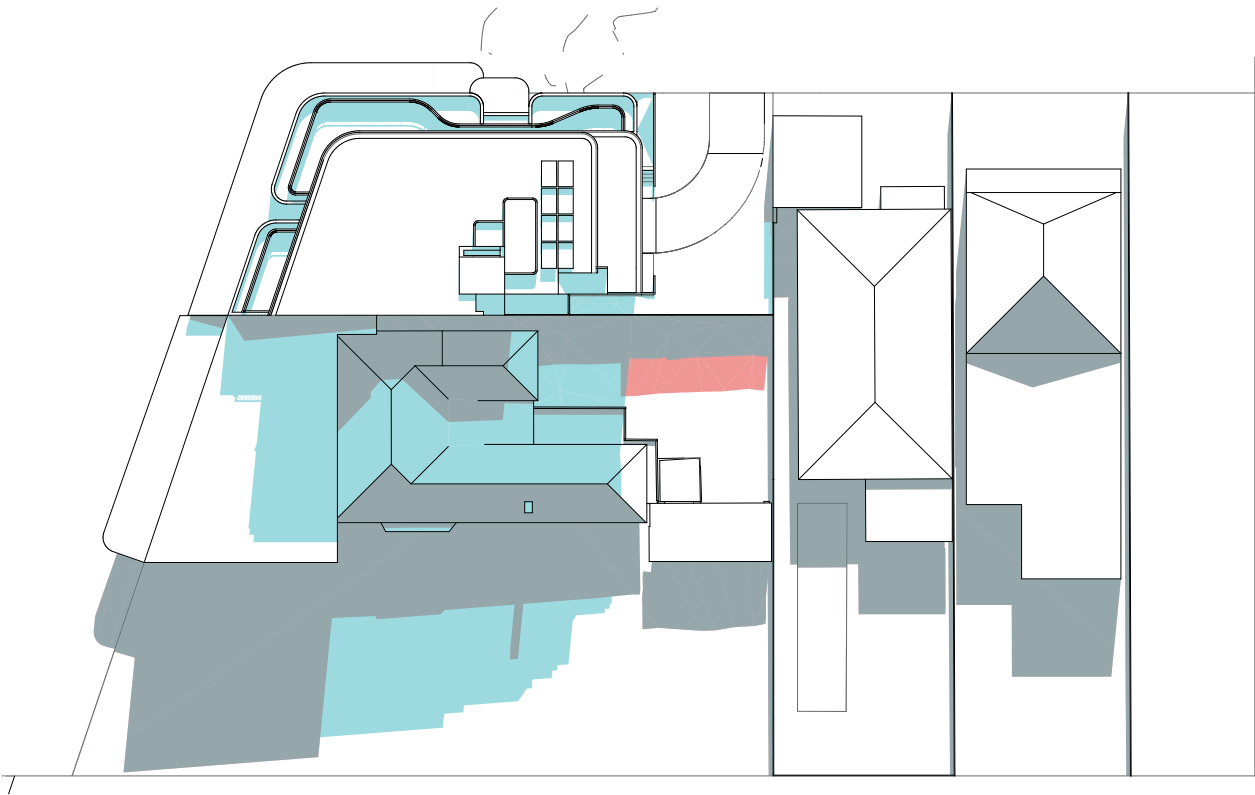
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21ST JUNE 9AM
1:500



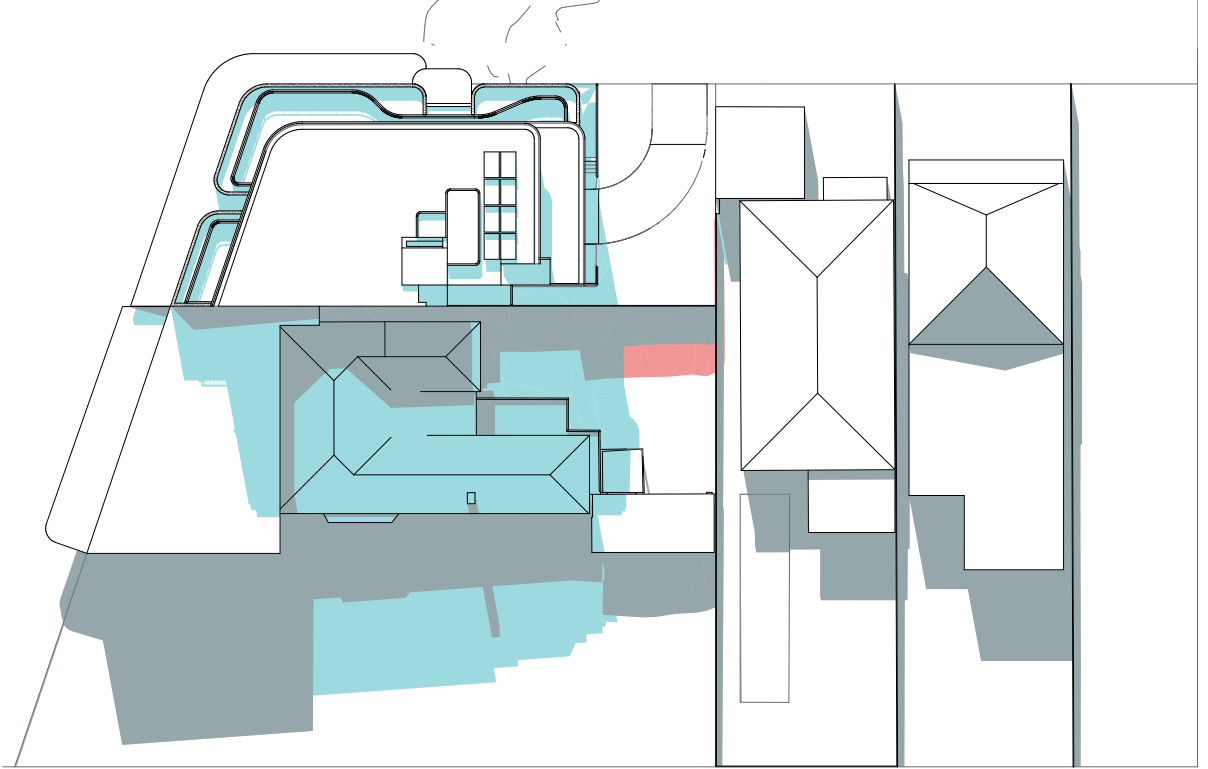
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21ST JUNE 10AM
1:500



3

21ST JUNE 11AM
1:500

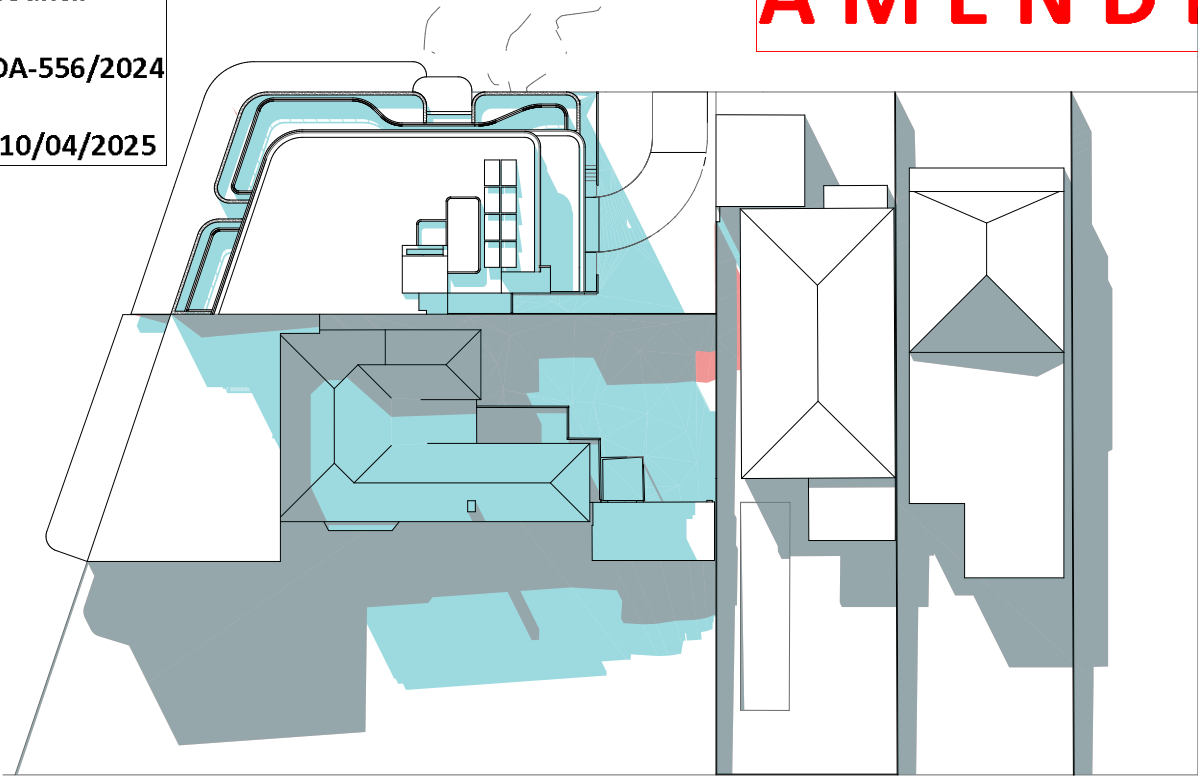


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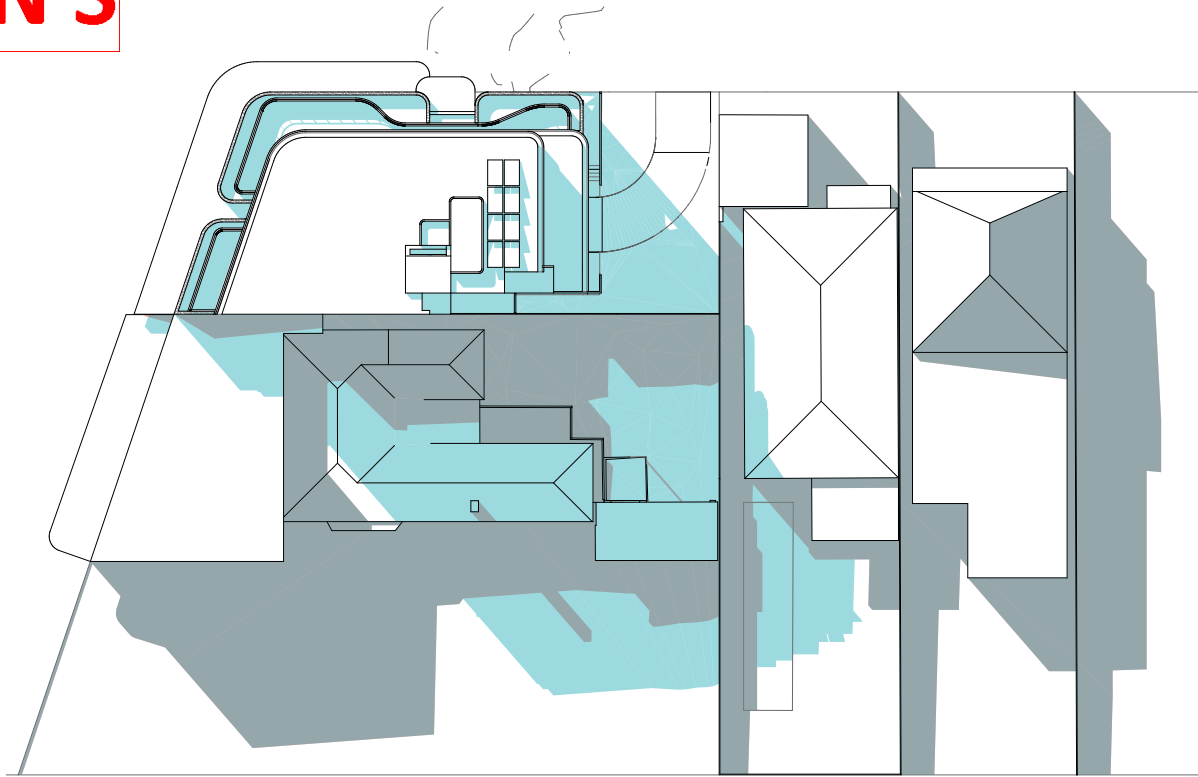
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Waverley Council
Application No: DA-556/2024
Date Received: 10/04/2025

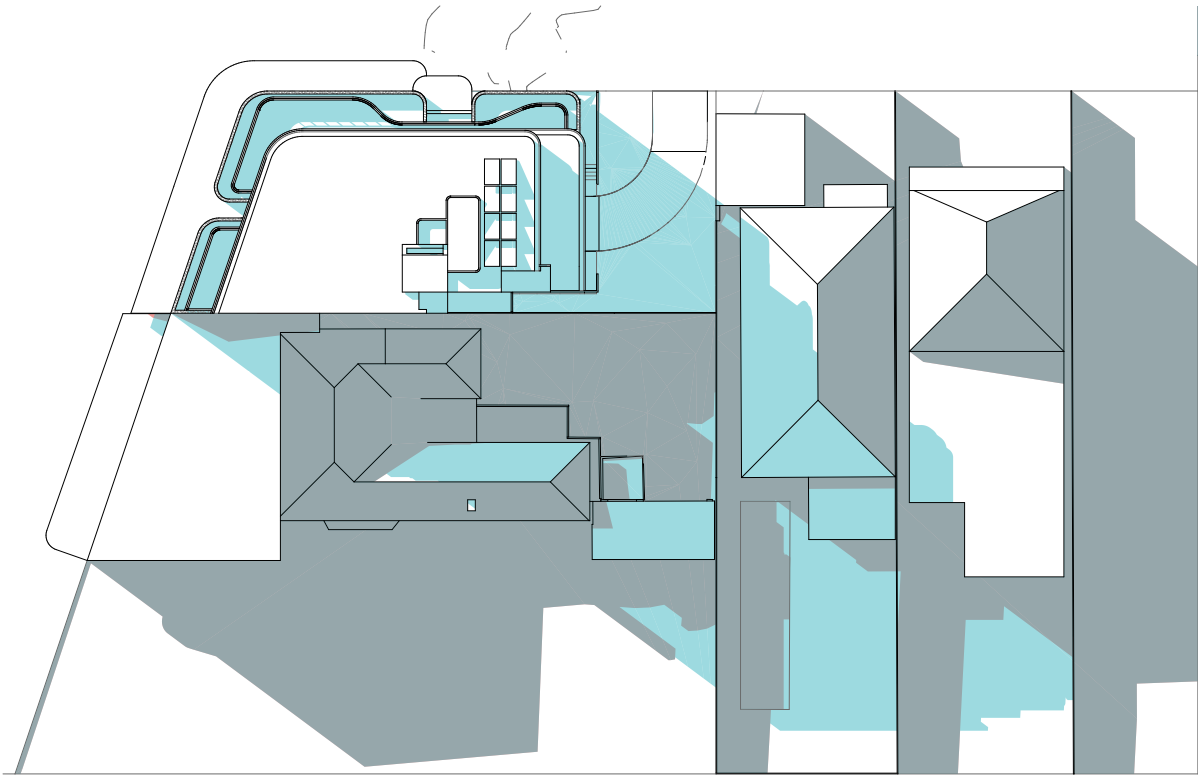
AMENDED PLANS



1 21ST JUNE 1PM
1:500



2 21ST JUNE 2PM
1:500



3 21ST JUNE 3PM
1:500



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Nominated Architect: Simon Hanson #6739

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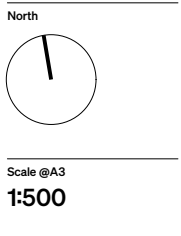
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Notes/Legend:
EXISTING SHADOW TO BE DEMOLISHED
EXISTING SHADOW
PROPOSED SHADOWS

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
525 OLD SOUTH HEAD ROAD ROSE BAY

Stage:
DA APPLICATION



Drawing title
SHADOW DIAGRAMS 1PM-3PM

Drawn	Checked	Approved
WW	HHH	SRH

Client
RONNIE SHULKIN

Date
08/04/2025

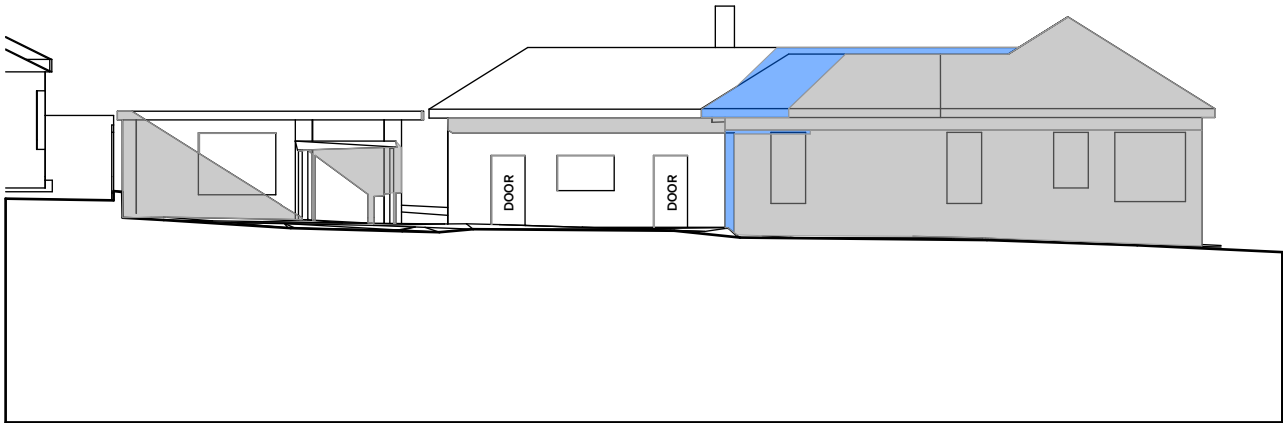
PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
24058

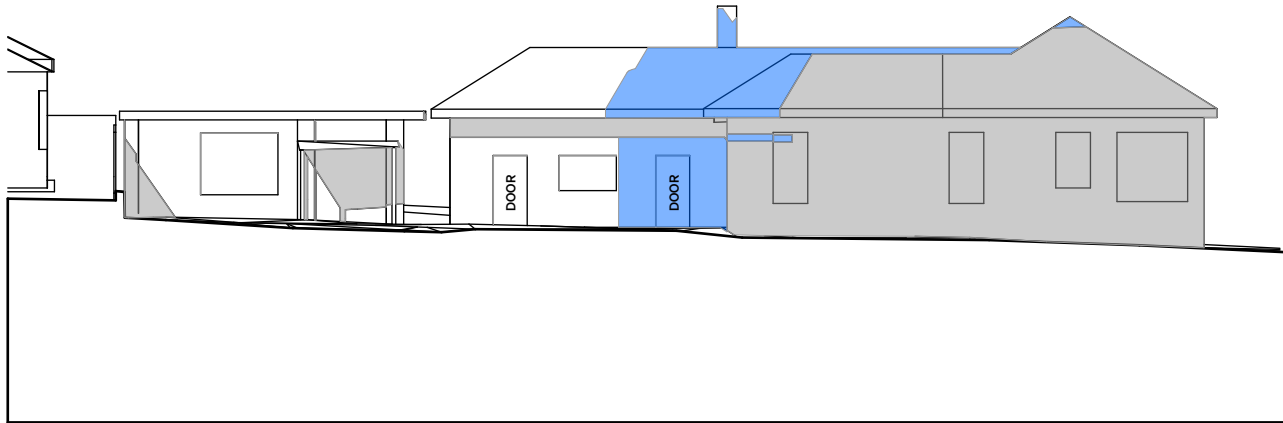
Drawing No.
DD2501

Revision
C

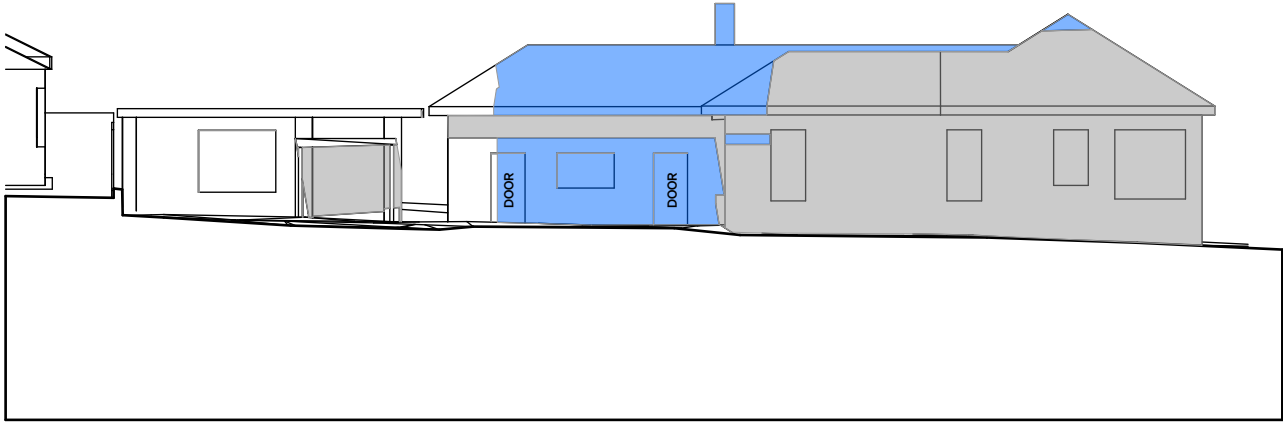
AMENDED PLANS



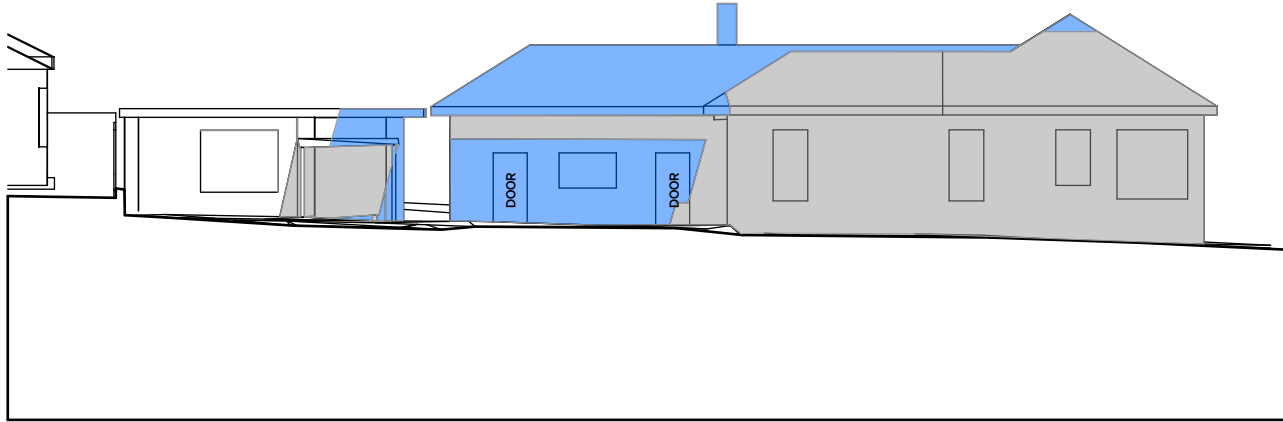
19AM1:200



110AM1:200



111AM1:200



112PM1:200



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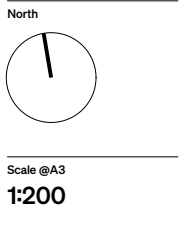
Notes/Legend:

- EXISTING SHADOW TO BE DEMOLISHED
- EXISTING SHADOW
- PROPOSED SHADOWS

Rev	Date	Description
A	08/04/2025	Response To Council RFI

Project:
525 OLD SOUTH HEAD ROAD ROSE BAY

Stage:
DA APPLICATION



Drawing title
ELEVATIONAL SHADOWS 523 OSHR 9AM-12PM

Drawn WW	Checked HHH	Approved SRH
--------------------	-----------------------	------------------------

Client
RONNIE SHULKIN

Date
08/04/2025

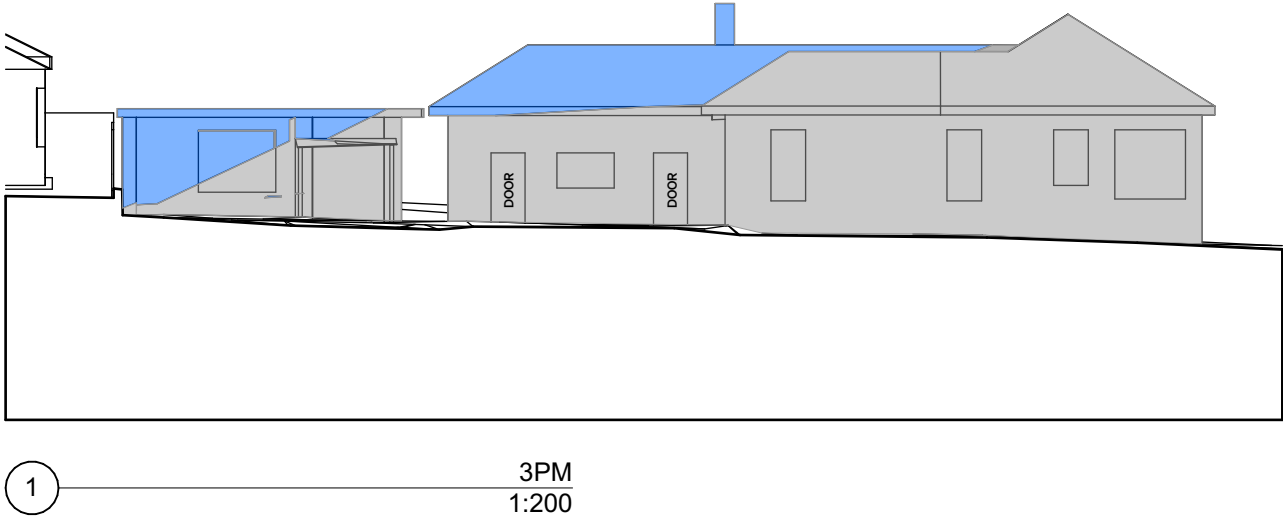
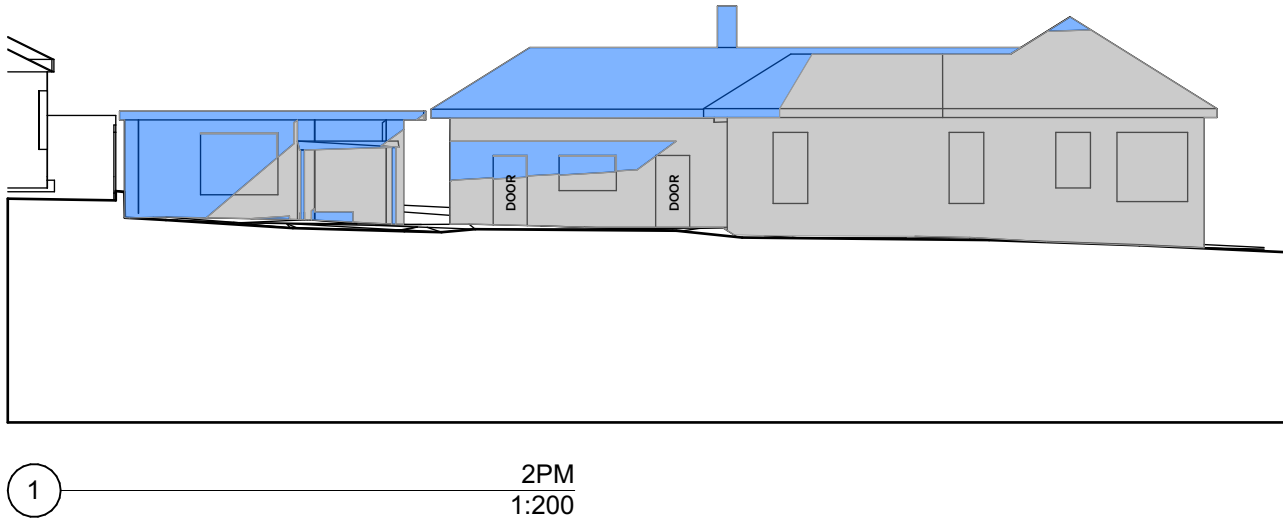
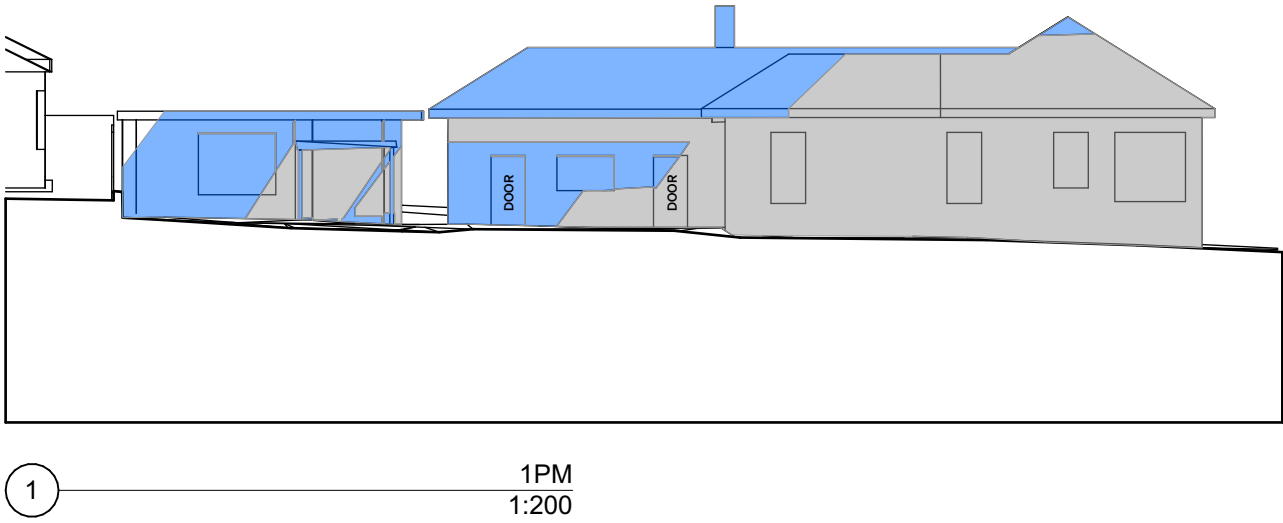
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NOT FOR CONSTRUCTION

Project No.
24058

Drawing No.
DD2502

Revision
A

AMENDED PLANS



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srharchitecture.com
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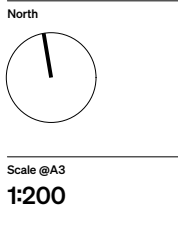
Notes/Legend:

- EXISTING SHADOW TO BE DEMOLISHED
- EXISTING SHADOW
- PROPOSED SHADOWS

Rev	Date	Description
A	08/04/2025	Response To Council RFI

Project:
**525 OLD SOUTH HEAD
ROAD ROSE BAY**

Stage:
DA APPLICATION



Drawing title
**ELEVATIONAL SHADOWS
523 OSHR 1PM-3PM**

Drawn WW	Checked HHH	Approved SRH
--------------------	-----------------------	------------------------

Client
**RONNIE
SHULKIN**

Date
08/04/2025

PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
24058

Drawing No.
DD2503

Revision
A

AMENDED PLANS



1

21ST JUNE 9AM



2

21ST JUNE 10AM



3

21ST JUNE 11AM

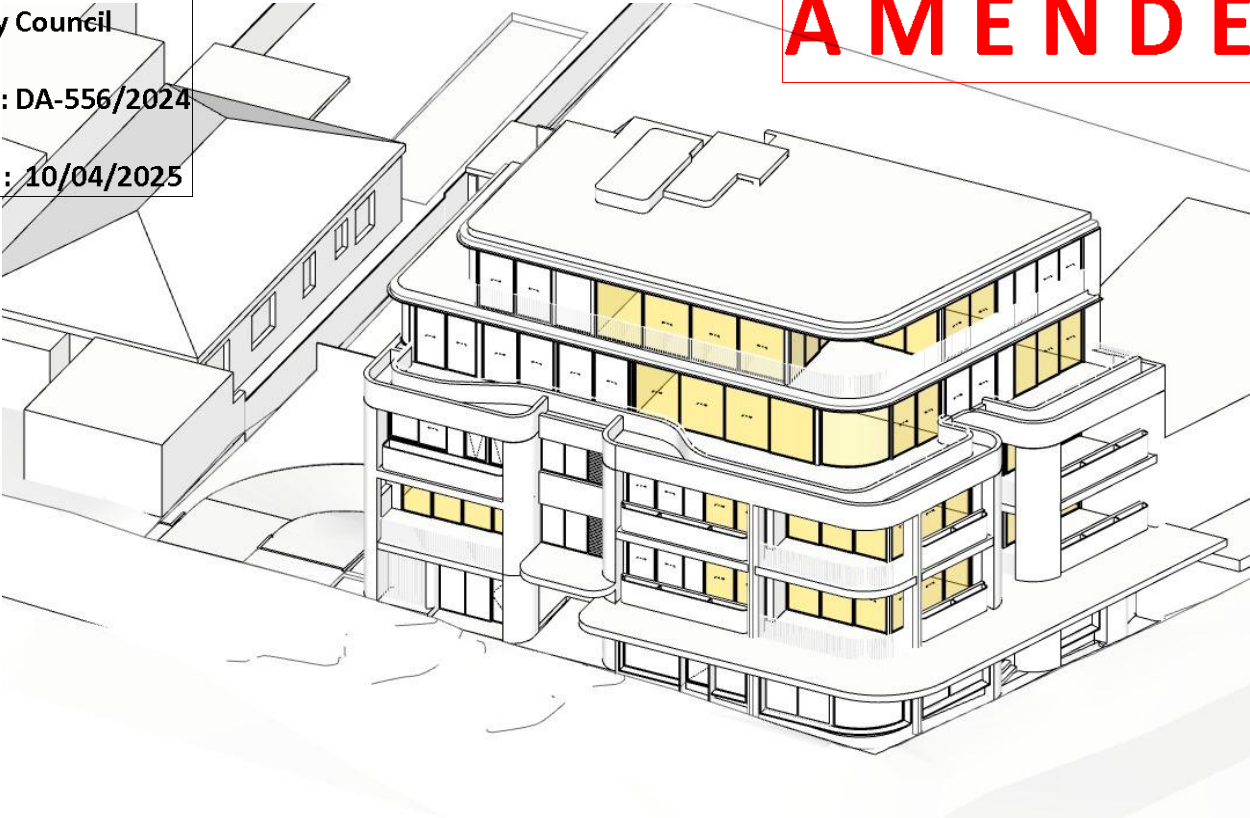


4

21ST JUNE 12PM

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Waverley Council
Application No: DA-556/2024
Date Received: 10/04/2025

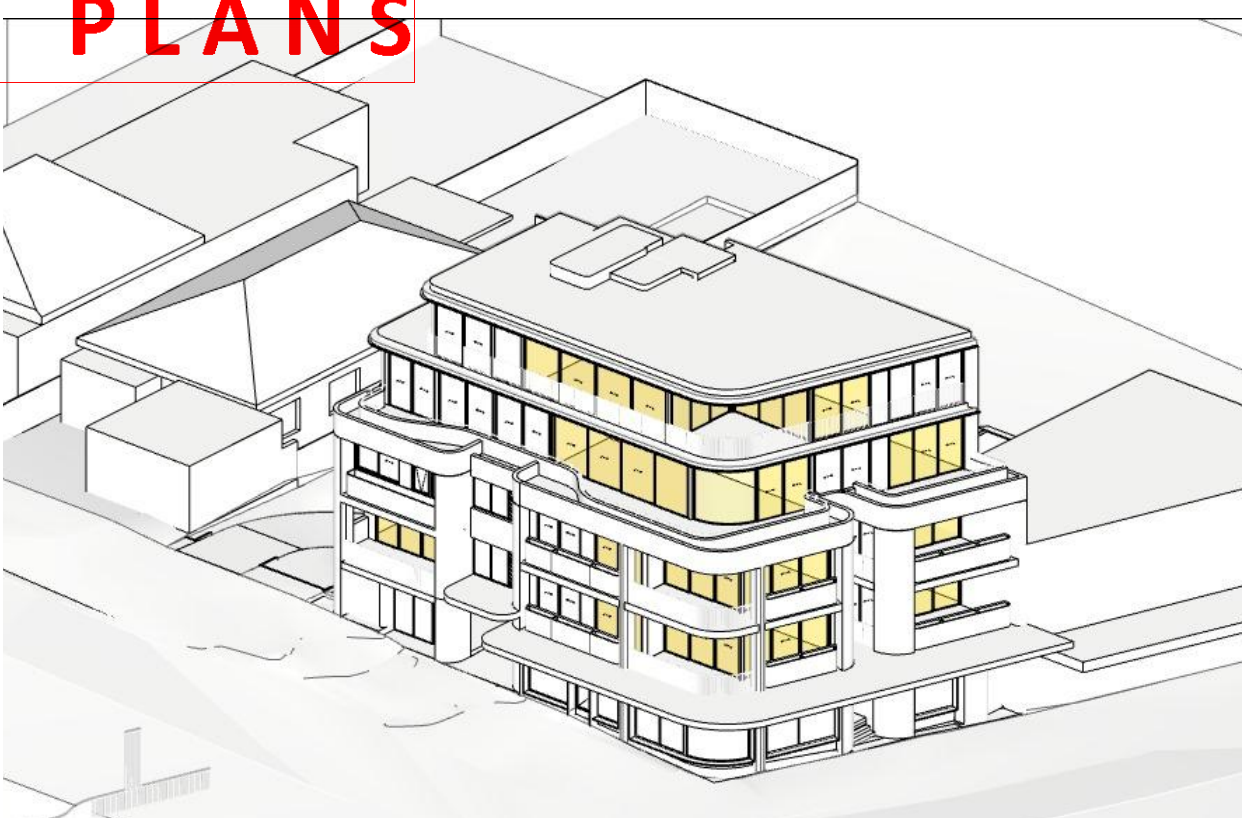
AMENDED PLANS



1 21ST JUNE 1PM



3 21ST JUNE 3PM



2 21ST JUNE 2PM



SRH Architecture Pty Ltd
Level 1, 17-19 Brisbane Street, Surry Hills NSW 2010
T: +612 8302 3200 | office@srharchitecture.com
srharchitecture.com
Nominated Architect: Simon Hanson #6739

General

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Notes/Legend:

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
**525 OLD SOUTH HEAD
ROAD ROSE BAY**

Stage:
DA APPLICATION

Scale @A3

Drawing title
VIEWS FROM THE SUN

Drawn WW	Checked HHH	Approved SRH
Client RONNIE SHULKIN	Date 08/04/2025	

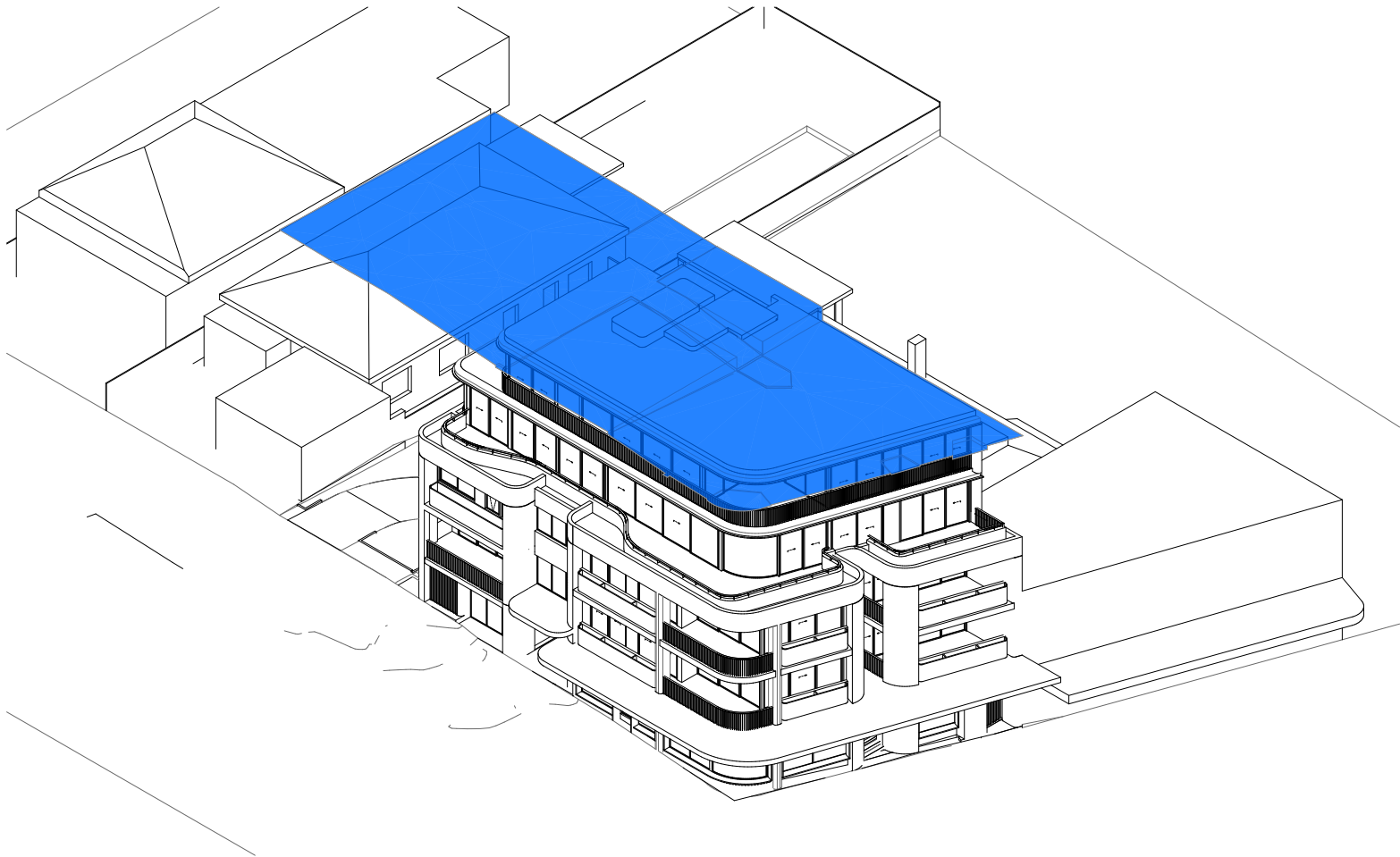
PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
24058

Drawing No.
DD2601

Revision
C

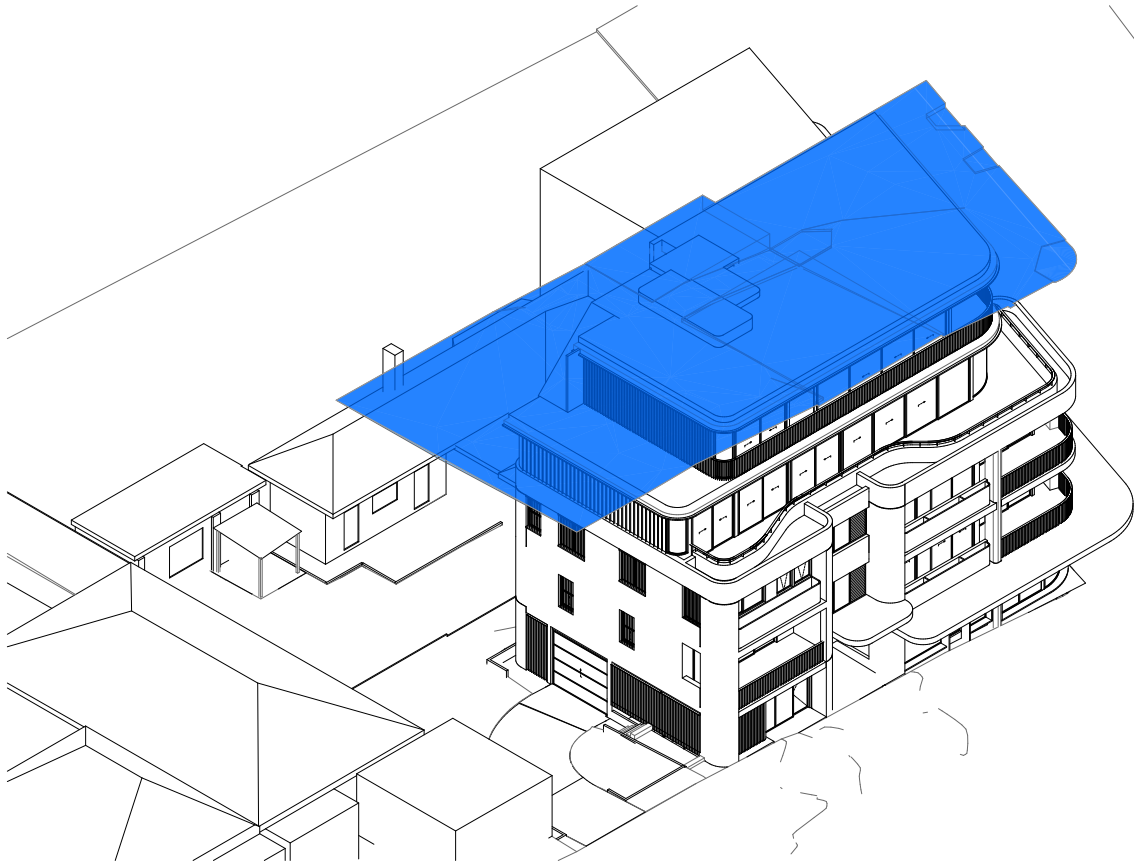
AMENDED PLANS



1

HEIGHT PLANE NORTHWEST

1:400



1

HEIGHT PLANE NORTHEAST

1:400



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Notes/Legend:		

Rev	Date	Description
A	08/04/2025	Response To Council RFI

Project:
525 OLD SOUTH HEAD ROAD ROSE BAY

Stage:
DA APPLICATION

North

Scale @A3

1:400

Drawing title		
ISOMETRIC HEIGHT PLANE DIAGRAMS		
Drawn	Checked	Approved
WW	HHH	SRH
Client	Date	
RONNIE SHULKIN	08/04/2025	

PRELIMINARY NOT FOR CONSTRUCTION	
Project No.	24058
Drawing No.	DD2700
Revision	A

AMENDED PLANS

- AMENDMENTS:
1. BIKE STORAGE RELOCATED TO ACCOMODATE FLOODING LEVELS

2. VISITOR CAR PARKING ALLOCATED

3. STAIR TO BASEMENT AND COMMERCIAL LEVELS AMENDED TO FLOOD REQUIREMENTS

4. BUILDING ENVELOPE AMENDED TO OFFSET GFA INCLUSION OF COMMERCIAL BIN STORAGE

5. DRIVEWAY AND LEVELS AMENDED TO FLOOD REQUIREMENTS

6. INCREASE SETBACK TO 1.5m FROM 1.4m

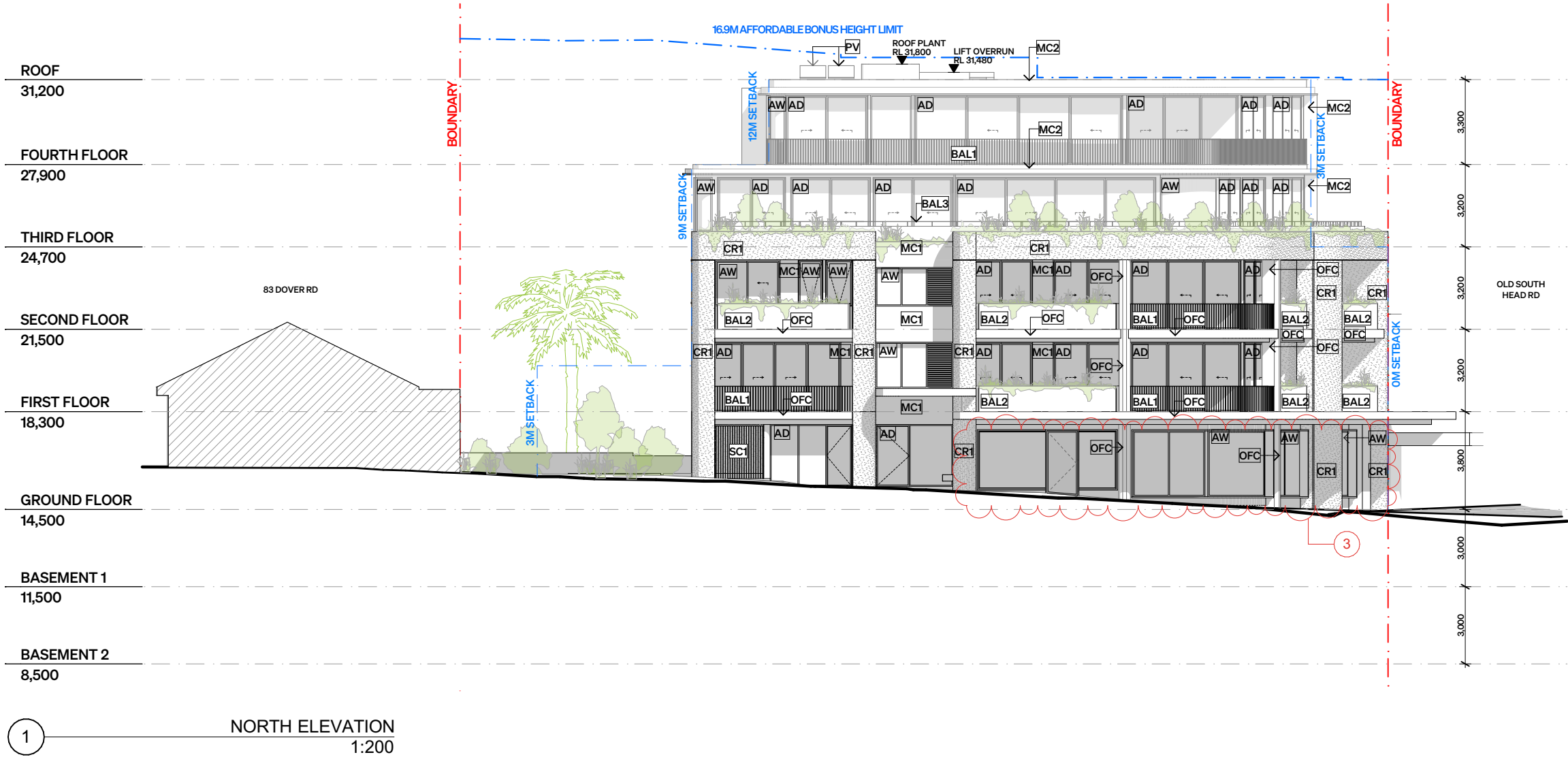
7. PRIVACY SCREENS ADDED

8. PRIVACY SCREENS ANGLED TOWARDS NORTH EAST

9. WINDOW SILL HEIGHTS INCREASED

10. LOUVRES SCREEN ADDED TO ROOF PLANT

11. FENCE LOWERED TO 1.8M HIGH



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Notes/Legend:			
CR1	CEMENT RENDER CREAM CONCRETE TEXTURE	BAL1	METAL BATTEN BALUSTRADE BRONZE
CR2	CEMENT RENDER PAINTED MONUMENT	BAL2	CUSTOM METAL PLANTER BRONZE
SC1	METAL BATTEN SCREEN BRONZE	BAL3	METAL BATTEN BALUSTRADE MONUMENT
SC2	METAL BATTEN SCREEN MONUMENT	OFC	OFF FORM CONCRETE
SC3	GATE/FENCE METAL BATTEN	AW	ALUMINIUM WINDOW
MC1	METAL CLADDING BRONZE	AD	ALUMINIUM DOOR
MC2	METAL CLADDING MONUMENT	PV	PHOTOVOLTAIC PANEL

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
525 OLD SOUTH HEAD ROAD ROSE BAY

Stage:
DA APPLICATION

Scale @A3
1:200

Drawing title
NORTH ELEVATION

Drawn WW	Checked HHH	Approved SRH
--------------------	-----------------------	------------------------

Client
RONNIE SHULKIN

Date
08/04/2025

PRELIMINARY
NOT FOR CONSTRUCTION

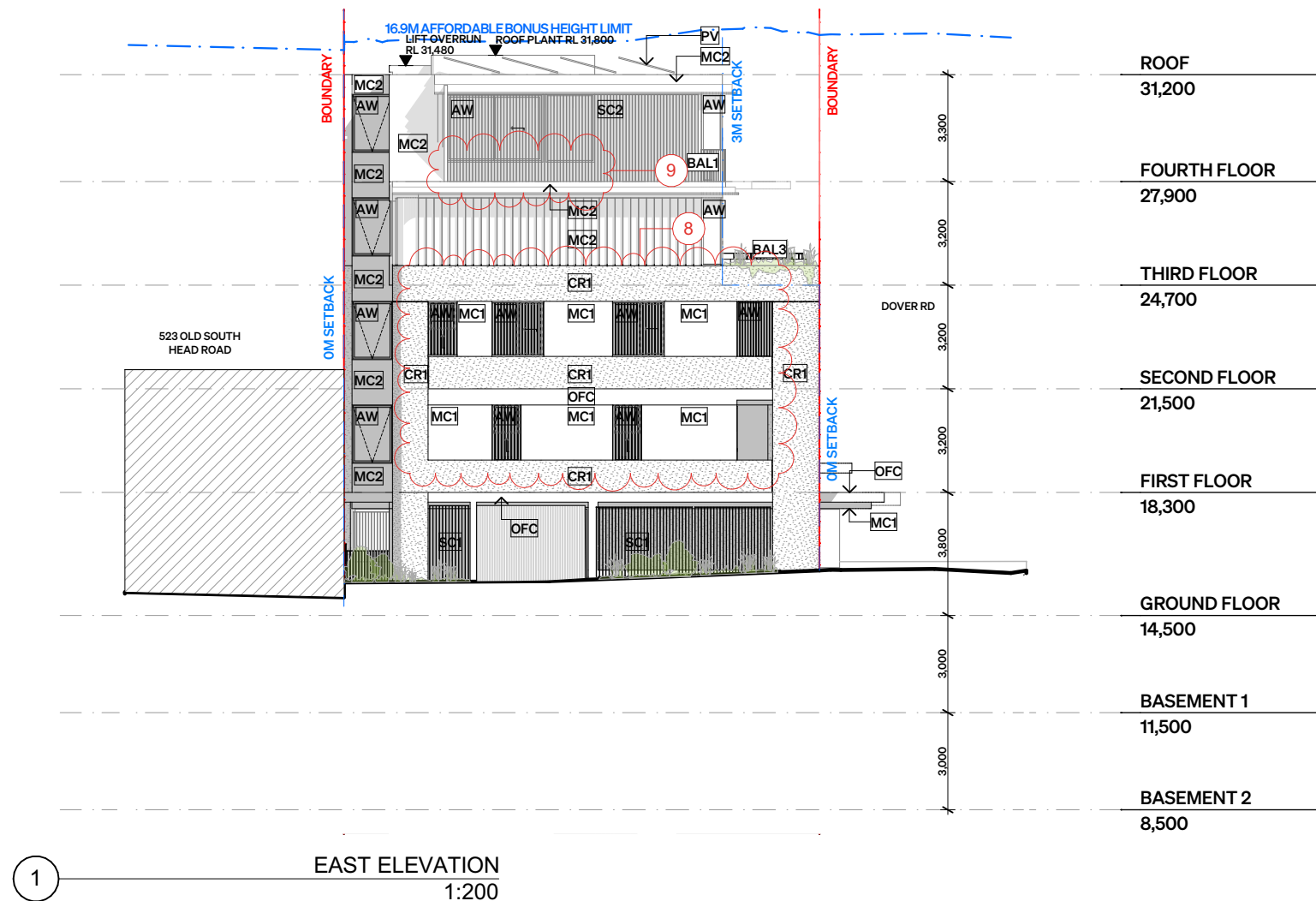
Project No.
24058

Drawing No.
DD3100

Revision
C

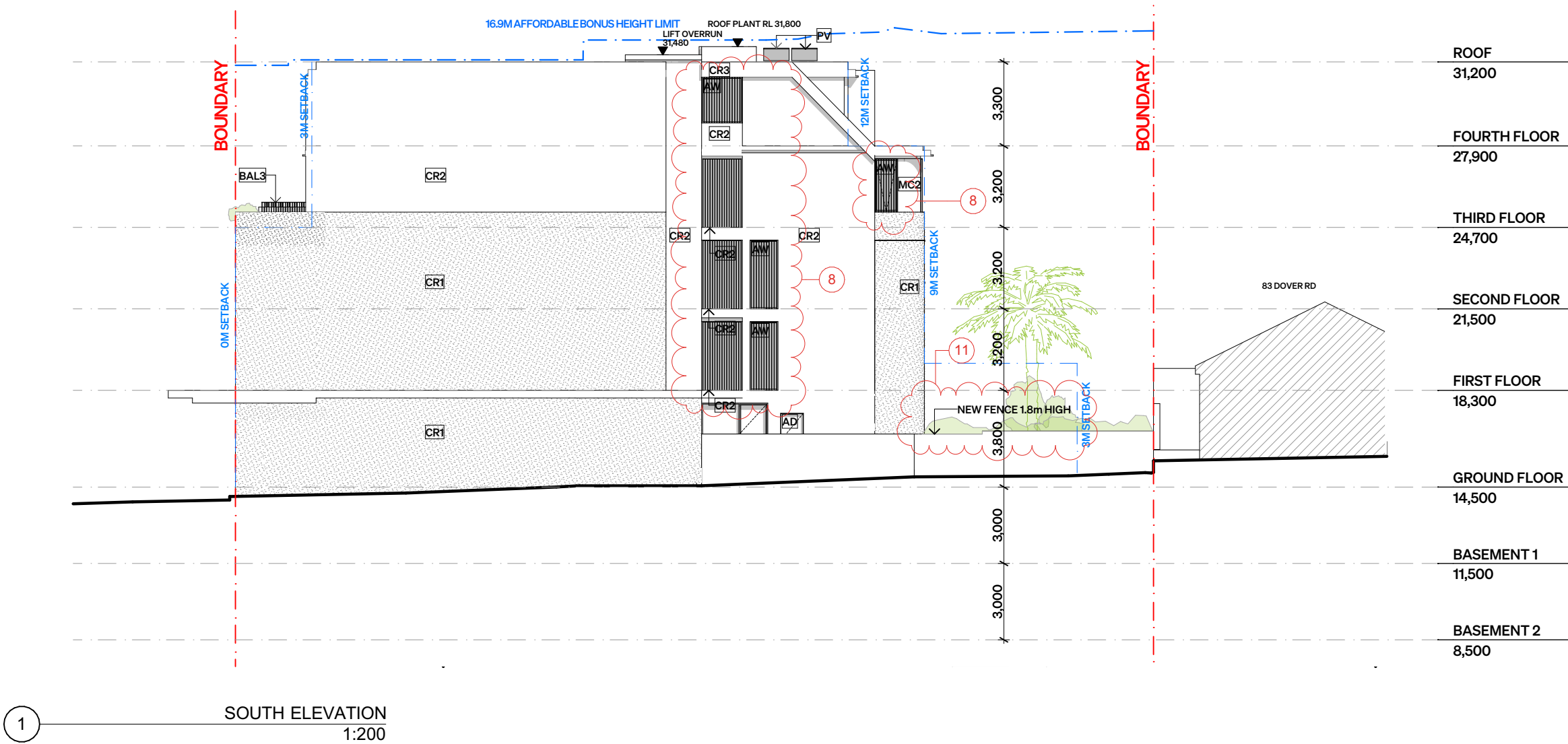
AMENDED PLANS

- ## AMENDMENTS:
1. BIKE STORAGE RELOCATED TO ACCOMMODATE FLOODING LEVELS
 2. VISITOR CAR PARKING ALLOCATED
 3. STAIR TO BASEMENT AND COMMERCIAL LEVELS AMENDED TO FLOOD REQUIREMENTS
 4. BUILDING ENVELOPE AMENDED TO OFFSET GFA INCLUSION OF COMMERCIAL BIN STORAGE
 5. DRIVEWAY AND LEVELS AMENDED TO FLOOD REQUIREMENTS
 6. INCREASE SETBACK TO 1.5m FROM 1.4m
 7. PRIVACY SCREENS ADDED
 8. PRIVACY SCREENS ANGLED TOWARDS NORTH EAST
 9. WINDOW SILL HEIGHTS INCREASED
 10. LOUVRES SCREEN ADDED TO ROOF PLANT
 11. FENCE LOWERED TO 1.8M HIGH



AMENDED PLANS

- AMENDMENTS:
- BIKE STORAGE RELOCATED TO ACCOMODATE FLOODING LEVELS
 - VISITOR CAR PARKING ALLOCATED
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SC3	GATE/FENCE METAL BATTEN	AW	ALUMINIUM WINDOW
MC1	METAL CLADDING BRONZE	AD	ALUMINIUM DOOR
MC2	METAL CLADDING MONUMENT	PV	PHOTOVOLTAIC PANEL

Rev	Date	Description
A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:
525 OLD SOUTH HEAD ROAD ROSE BAY

Stage:
DA APPLICATION

Scale @A3
1:200

Drawing title
SOUTH ELEVATION

Drawn WW	Checked HHH	Approved SRH
--------------------	-----------------------	------------------------

Client
RONNIE SHULKIN

Date
08/04/2025

PRELIMINARY
NOT FOR CONSTRUCTION

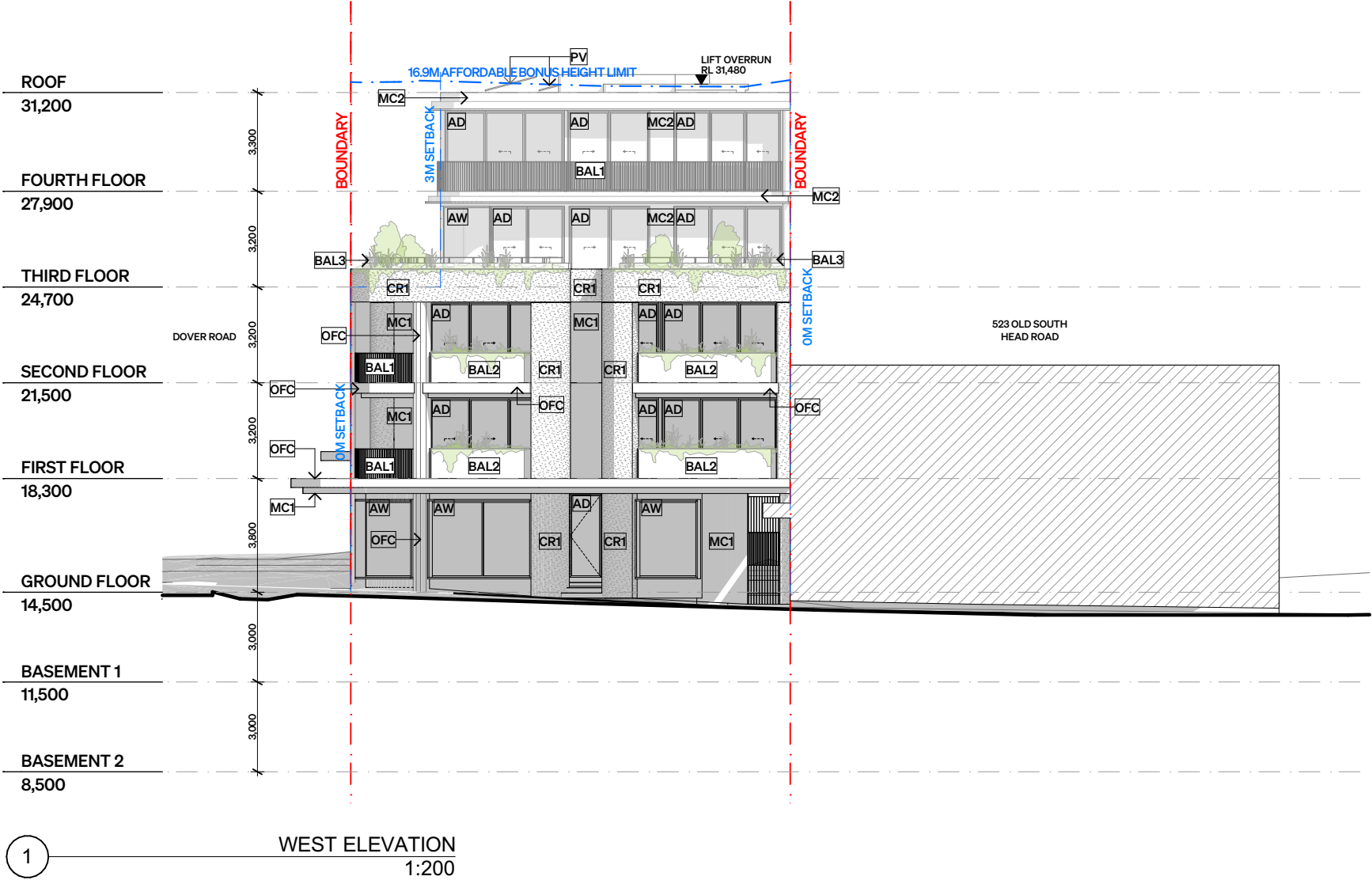
Project No.
24058

Drawing No.
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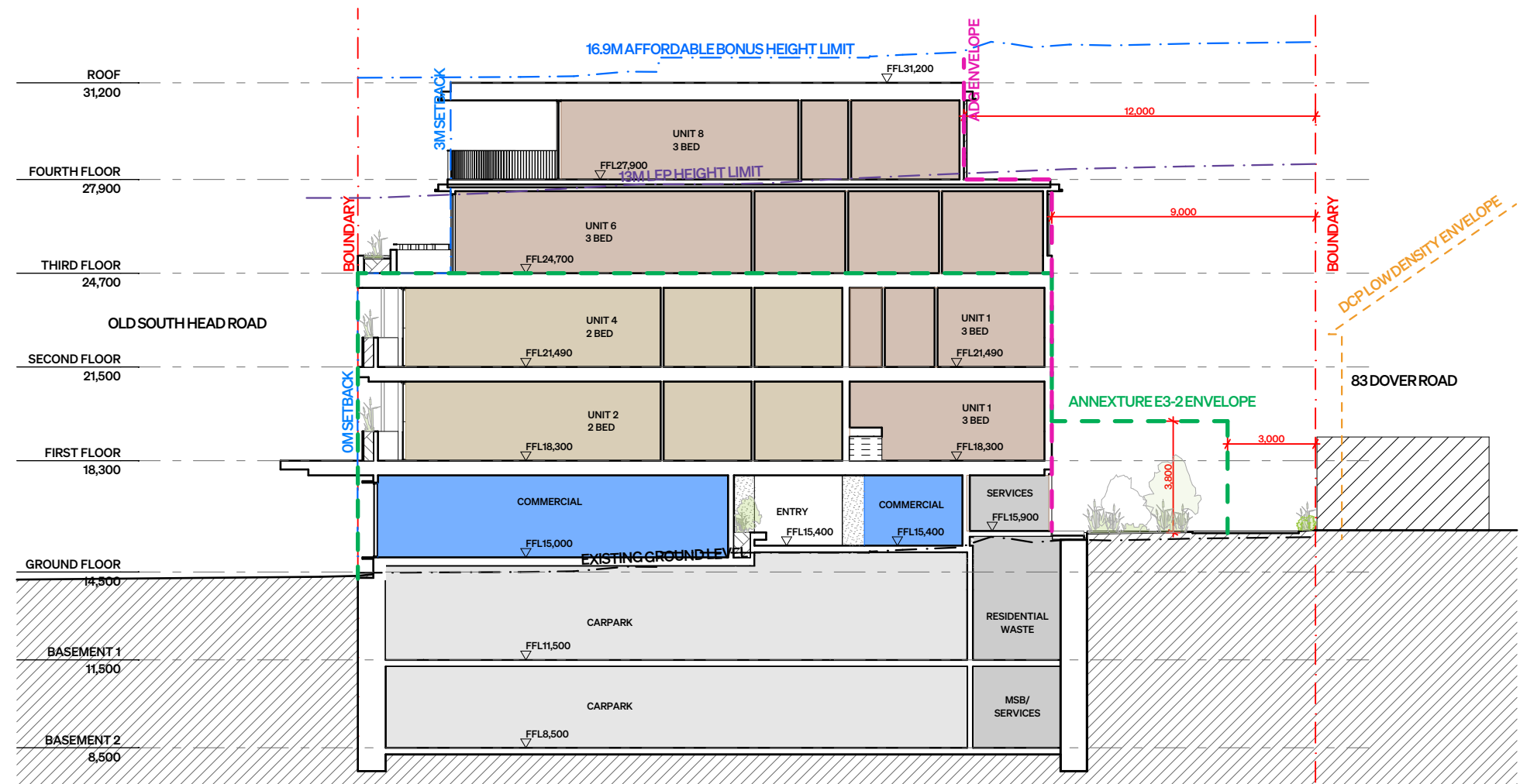
Revision
C

AMENDED PLANS

- AMENDMENTS:
- BIKE STORAGE RELOCATED TO ACCOMODATE FLOODING LEVELS
 - VISITOR CAR PARKING ALLOCATED
 - STAIR TO BASEMENT AND COMMERCIAL LEVELS AMENDED TO FLOOD REQUIREMENTS
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 - DRIVEWAY AND LEVELS AMENDED TO FLOOD REQUIREMENTS
 - INCREASE SETBACK TO 1.5m FROM 1.4m
 - PRIVACY SCREENS ADDED
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 - WINDOW SILL HEIGHTS INCREASED
 - LOUVRES SCREEN ADDED TO ROOF PLANT
 - FENCE LOWERED TO 1.8M HIGH



AMENDED PLANS



1

SECTION 3
1:200



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Notes/Legend:

537

Rev	Date	Description
A	08/04/2025	Response To Council RFI

Project:
525 OLD SOUTH HEAD ROAD ROSE BAY

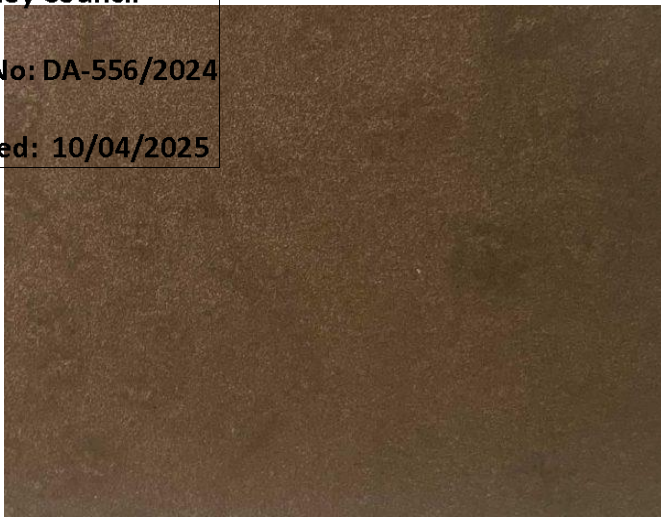
Stage:
DA APPLICATION

Scale @A3
1:200

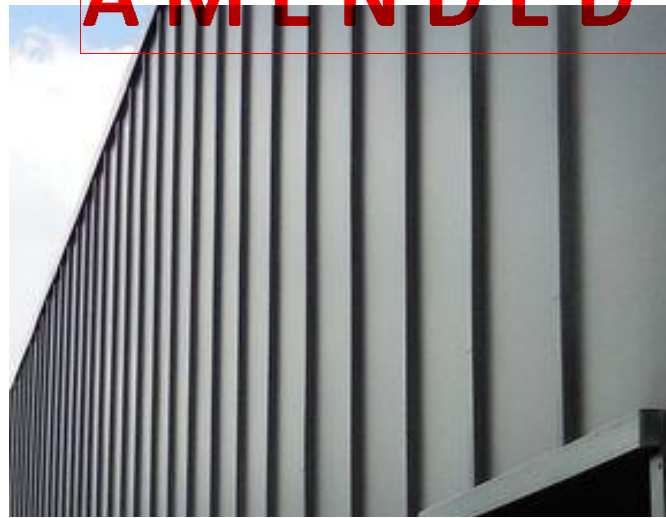
Drawing title		
SECTIONS		
Drawn	Checked	Approved
WW	HHH	SRH
Client	Date	
RONNIE SHULKIN	08/04/2025	

PRELIMINARY NOT FOR CONSTRUCTION	
Project No.	24058
Drawing No.	DD3201
Revision	A

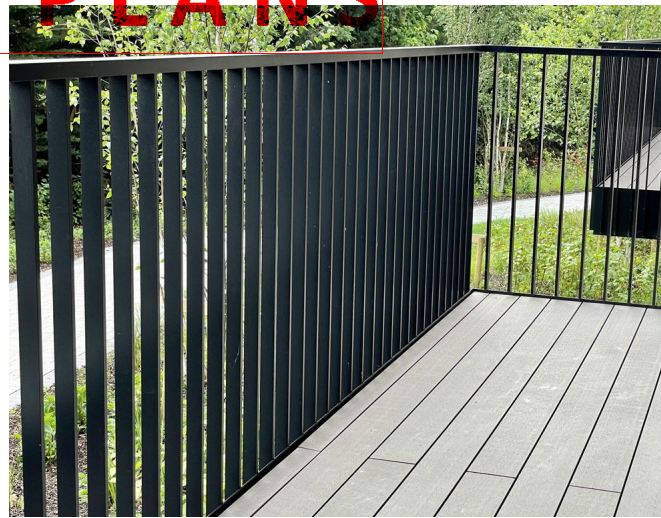
AMENDED PLANS



**MC1 BAL2 METAL CLADDING BRONZE/ CUSTOM METAL PLANTER
BRONZE**



MC2 METAL CLADDING MONUMENT



BAL3 METAL BATTEN BALUSTRADE MONUMENT



BAL1 SIMILAR TO BAL3 IN BRONZE

CR1 CEMENT RENDER CREAM CONCRETE TEXTURE



CR2 CEMENT RENDER PAINTED MONUMENT



SC2 METAL BATTEN SCREEN MONUMENT



SC1 SIMILAR TO SC2 IN BRONZE



OFC OFF FORM CONCRETE



SC3 GATE/FENCE METAL BATTEN BRONZE



AW AD ALUMINIUM WINDOW/ ALUMINIUM DOOR

RECEIVED
Waverley Council

Application No: DA-556/2024

Date Received: 10/04/2025

AMENDED PLANS



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A	10/10/2024	For DA Submission
B	21/01/2025	Response To DEAP Comments
C	08/04/2025	Response To Council RFI

Project:

525 OLD SOUTH HEAD ROAD ROSE BAY

Stage:

DA APPLICATION

Scale @A3

Drawing title

PHOTOMONTAGE

Drawn	Checked	Approved
WW	HHH	SRH

Client

RONNIE SHULKIN

Date

08/04/2025

PRELIMINARY
NOT FOR CONSTRUCTION

Project No.

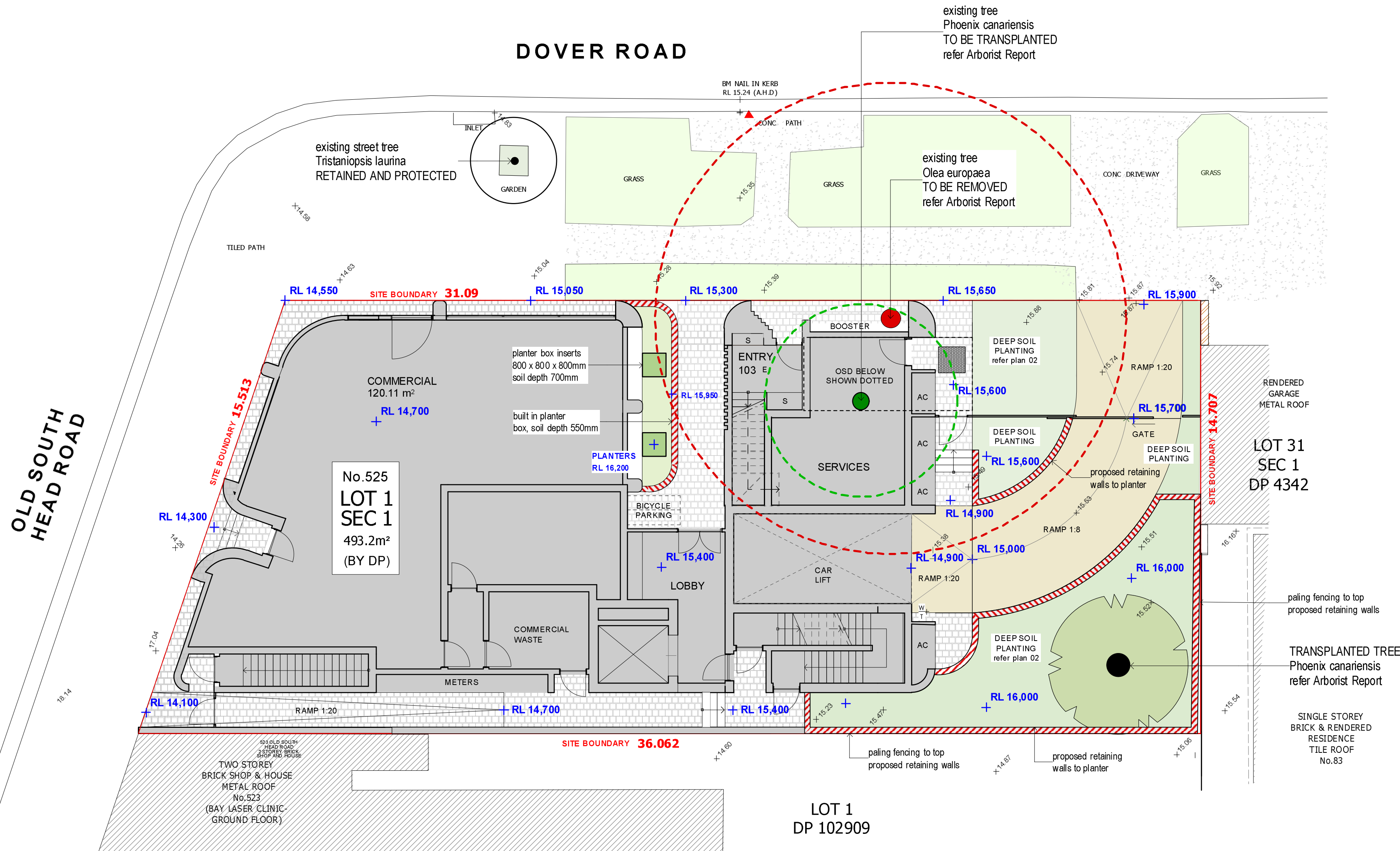
24058

Drawing No.

DD4100

Revision

C



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Waverley Council
Receipt No: DA-556/2024
Date Received: 05/11/2024

- LANDSCAPE NOTES:**
- GENERAL**
- The Landscape drawings have been based on site survey and building layout information as supplied by SHP Architects.
 - Landscape plans are to be read in conjunction with all architectural and other project consultants' drawings and specifications and with such other written instructions as may be issued during the course of the contract.
 - Any discrepancies between landscape/architectural or other project consultants' drawings shall be reported to the landscape designer prior to any works being carried out.
 - All works are to be carried out in accordance with drawing notation and/or written specifications where applicable.
 - Works and supply of materials not covered by drawing notation or written specification are to be carried out in accordance with AS codes, LCA guidelines and the By-Laws and Ordinances of the relevant Building Authority and/or manufacturer's recommendations as applicable.
 - All dimensions and locations of works are to be checked on site and confirmed by the landscape/building site supervisor prior to the commencement of any works.
 - Dimensions shall not be obtained by scaling from structural drawings. Dimensions are indicated in millimeters unless otherwise specified.
 - The contractor shall at all times implement adequate erosion and sediment control measures where applicable.
 - The position of services indicated on drawings (when applicable), are approximate and must be confirmed on site prior to the commencement of any site works.
 - D.A. drawings may be subject to future landscape detail/specification.
- SITE PREPARATION**
- All existing trees and/or vegetation to be retained, is to be preserved and protected from any damage occurring during the execution of landscape works. The root systems of existing retained plants are not to be disturbed. Landscape operations carried out within the root zone is to be carefully carried out using hand tools. Storage of materials, mixing of materials, vehicular parking, disposal of building materials and stockpiling shall not be carried out within 3m of the drip-line of these trees/vegetation.
- SOIL PREPARATION**
- All proposed planting areas are to be deep ripped to a depth of 300mm and clay soils are to be treated with a clay breaker. 75mm depth of AVL Organic Garden Mix to be imported and combined with 25mm depth Greenlife compost or approved equivalent.
- NEW PLANTING**
- All plants shall be true to type and size, of healthy growth, disease free nursery stock, and not displaying any restricted growth or damage. Plants shall have been hardened off and suitable for planting in the climatic conditions prevailing at the site. Trees shall be of uniform appearance and have a single leading trunk and proportionate and balanced crown. The Contractor shall be responsible for the health of plants from time of delivery, and no consideration will be given to any claim arising from the Contractor neglect or failure to observe any defects in the plants at time of delivery. Remove plant from container without disturbing the root ball and place centrally and plumb in the hole with the top of the root-ball level with the surrounding surface level. Backfill rootball with an Organic garden soil-mix, lightly tamp and water thoroughly to eliminate air pockets. Refer to Tree Planting Detail when applicable. Ensure soil-mix is not placed over the top of the root-ball and that the plant stem remains the same height above the ground as it was in the container. Soil-mix for backfilling of plants that conform to AS4419:1998.
- MULCHING**
- On completion of planting, all areas are to be mulched using Green Life compost to a depth of 75mm. A water catchment dish is to be provided around the base of each plant.
- FERTILISER**
- All newly planted areas are to be fertilised with an organic life, slow release fertiliser (Osmocote 8-9 month / Agfiform (R) 21g) which is to be adequately watered in.
- IRRIGATION**
- An automated irrigation system is to be selected and installed to access all lawn and garden areas. The contractor is to liaise with the client as to the level of automation required. The system is to comply with the latest Council, Water Board and Australian standards applicable at the time of installation.
- DRAINAGE**
- subsoil drainage**
- Where applicable, a flexible 90mm subsoil, socked, drainage col is to be installed to all planting areas defined by retaining walls, interfaces between planting/lawn areas and paving, kerb lines, footpath edges etc, on natural ground. The subsoil drainage lines are to be installed and covered with free draining gravel at the base of retaining walls and planting areas, as above, and sufficient buried to ensure they are covered with 100mm free draining gravel and 150mm topsoil. The gravel is to be covered with 3-4 or non-woven filter fabric.
- surface drainage**
- The contractor is to ensure adequate drainage is provided to all newly paved/surface areas, linking either to existing drainage sump pits or to new pits constructed by the contractor. The Subsoil and Surface drainage system is to be linked to the site's storm-water system.
- MAINTENANCE**
- The landscape contractor shall maintain the landscape area for a period of 12 weeks from the date of practical completion. Works shall include weeding, pruning, checking watering systems, fertilising, removal of rubbish, and the control of pests and disease to the plants as they arise. During the maintenance period, any plants deemed to have failed shall be replaced progressively, and not all at once upon the completion of the maintenance period.

- LEGEND**
- EXISTING TREES RETAINED AND PROTECTED
 - EXISTING TREES TO BE REMOVED
 - EXISTING TREES TO BE TRANSPLANTED
 - PROPOSED TREES
 - PLANTING AREAS (DEEP SOIL)
 - CONCRETE FINISH DRIVEWAY
 - PAVING TILES
 - PAVING TILES
 - PROPOSED RETAINING WALLS
 - EXISTING SITE LEVELS
 - PROPOSED LEVELS
 - WATER TAP

Refer:
Arbicultural Impact Assessment
and Management Plan
Prepared By: George Palmer, Botanics P/L
September 2024.
Report Reference: 2024/0249.

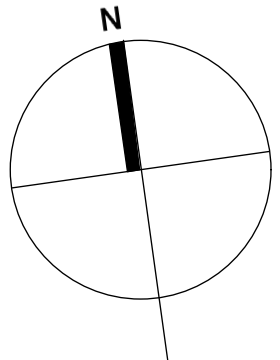
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MICHAEL ZINN LANDSCAPE DESIGNER.

PLANT SCHEDULE REFER PLAN 02				
Botanical Name	Common Name	No.	mm H	mm W Pot Size
Rosmarinus prostratus	Prostrate Rosemary	61	2400	3200 200mm
Crassula 'Max Cook'	Crassula var.	72	5500	5500 200mm
Aloe 'Bush Baby Yellow'	Aloe red/yellow	44	2000	2000 200mm
Cupaniopsis anacardioides	Tuckeroo	1	4500	5000 100lt
Syzygium australe 'Resilant'	Lillypilly	10	4000	1500 5lt
Callistemon viminalis 'Macarthur'	Weeping Bottlebrush	5	1800	1500 200mm
Hibbertia scandens	Guinea Flower	8	2000	1000 200mm
Dianella caerulea 'Little Jess'	Flax Lily small	15	350	350 200mm
Raphis excelsa	Lady Palm	2	2500	1500 45lt
Philodendron 'Fat Boy'	Philodendron	8	600	500 200mm
Aspidistra elatior	Cast-iron plant	5	500	500 200mm
Neomarcia gracilis	Walking Iris	8	500	500 200mm
Alphita nutans	ginger plant	8	1000	800 200mm
Philodendron 'Xanadu'	Philodendron	6	800	800 200mm
Correa alba 'Coastal Pink'	Correa var.	10	3000	3000 200mm
Lomandra longifolia 'Sungold'	Spiny-headed Mat-Rush	34	1200	1200 200mm
Banksia 'Birthday Candles'	Banksia dwarf	19	2000	3200 300mm
Crinum pedunculatum	Crinum Lily	5	1200	1200 200mm
Rhaphiolepis 'Oriental Pearl'	Indian Hawthorn	6	800	1000 300mm
Zamia furfuracea	Cardboard Palm	4	1200	1500 45lt
Agave 'Blue Glow'	Blue Agave	9	1200	1200 300mm
Carpobrotus 'Aussie Rambler'	Pigface	19	1600	1200 200mm



MICHAEL ZINN
landscape designer

HNDip Hort MLDI
41 Ocean Street
Bondi, NSW 2026
mob: 0410 239285
email: mdzinn@easy.com.au



PROJECT:
525 OLD SOUTH HEAD ROAD, ROSE BAY, NSW

CLIENT :
Ronnie Shulkin

PROJECT TYPE: MIXED DEVELOPMENT

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
LANDSCAPE SITE PLAN

SCALE: 1:100 @ A1

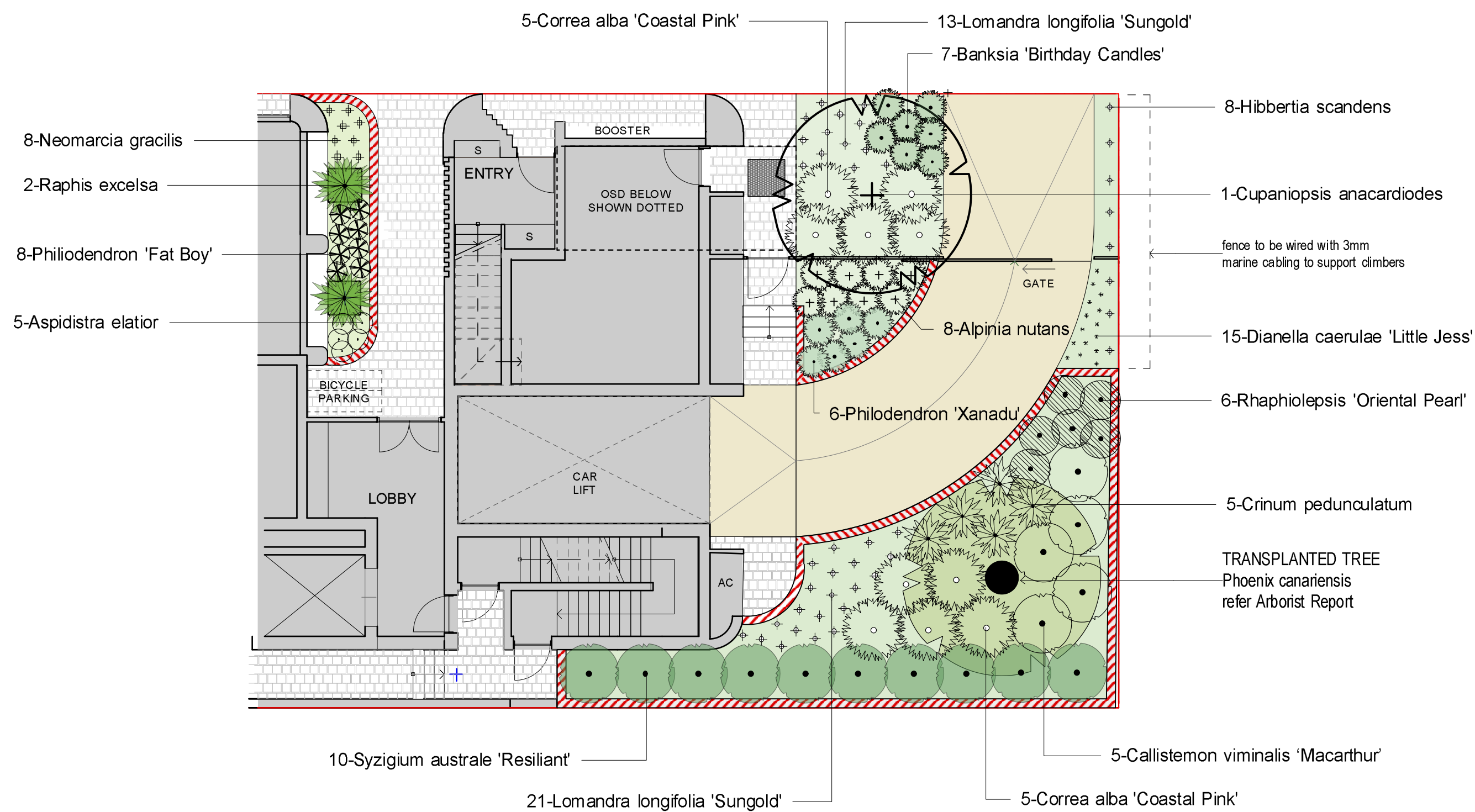
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DATE : 1 Oct 2024

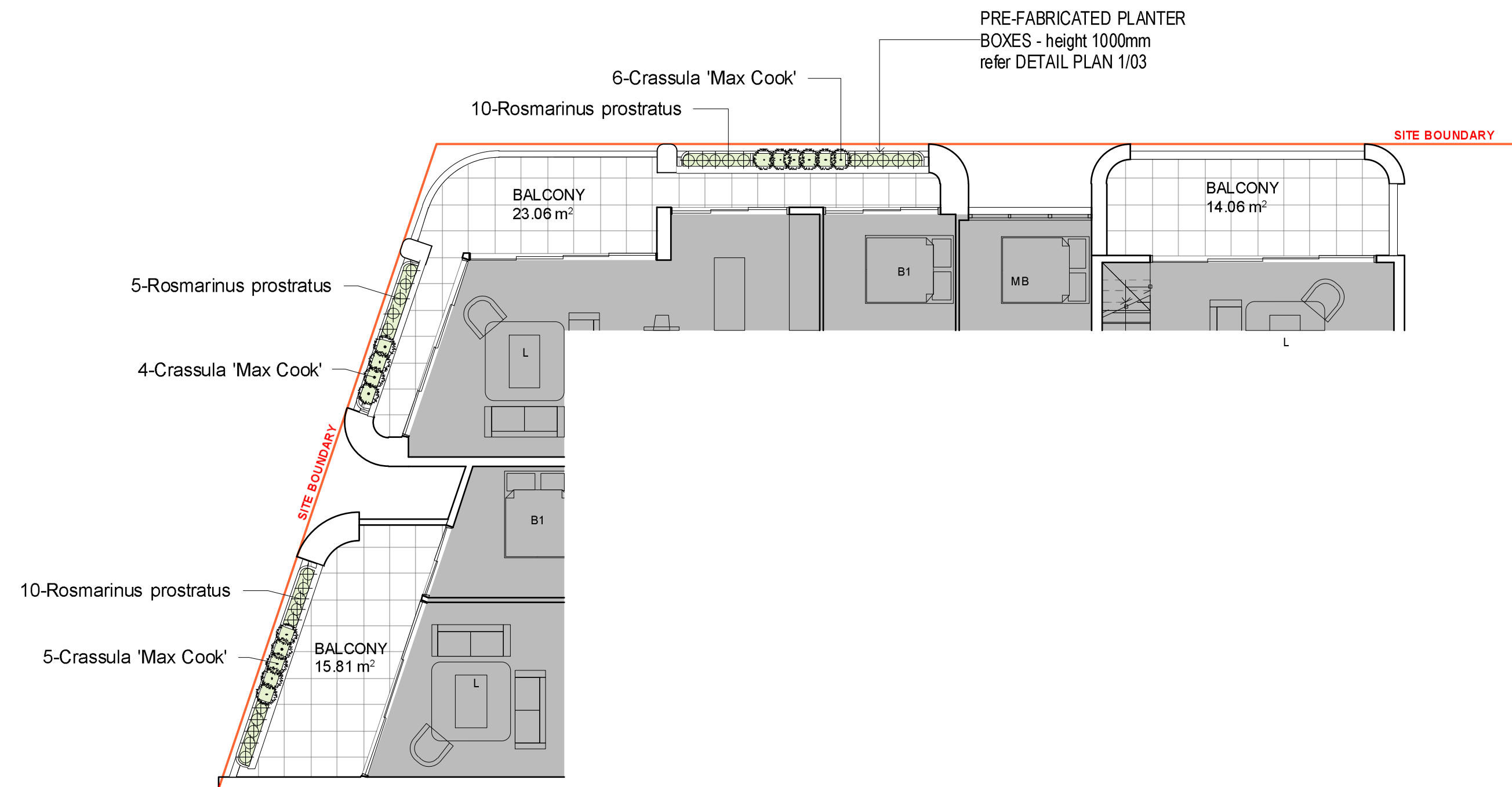
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DA 01.1

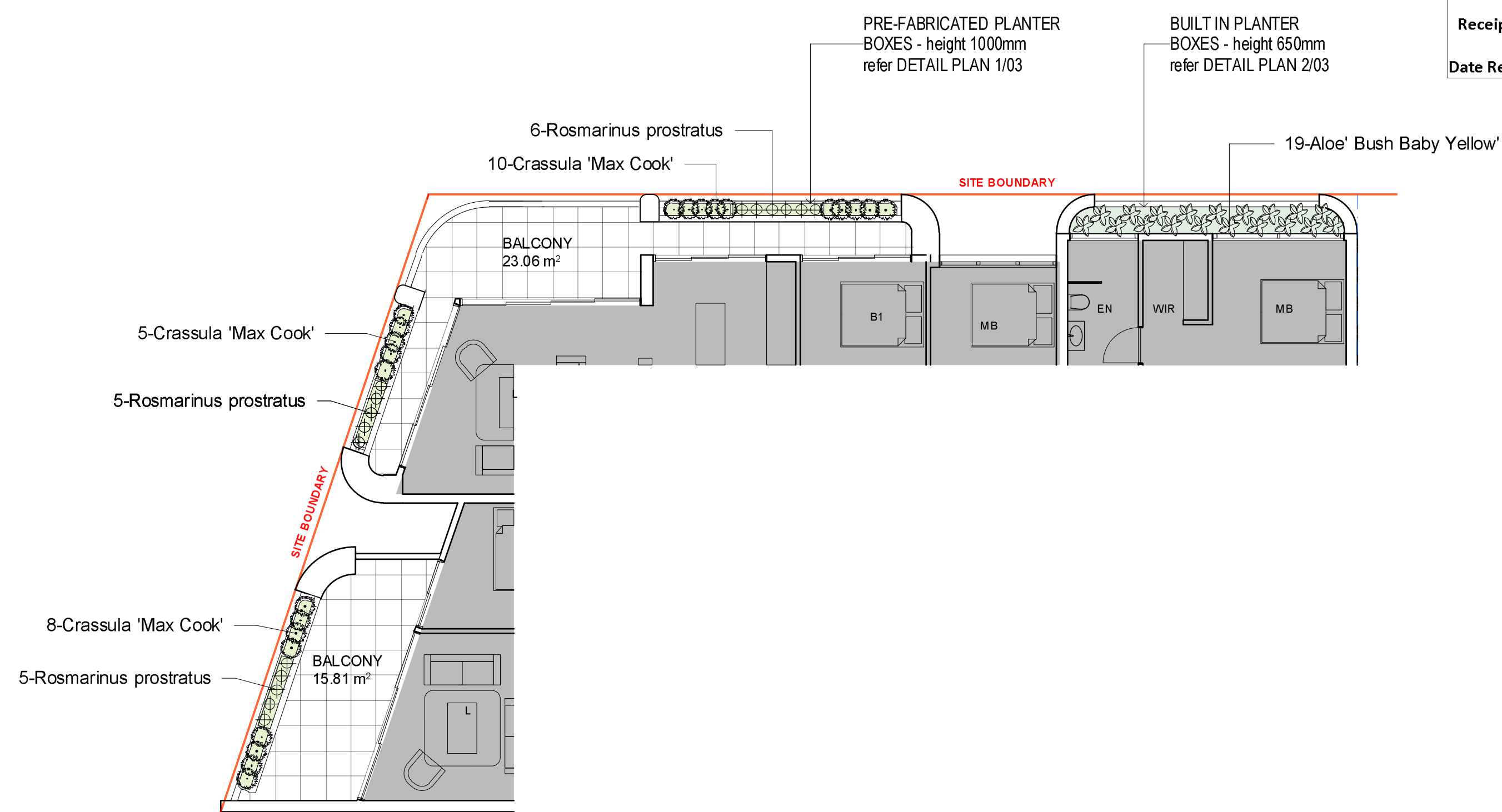
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PLANTING DETAIL - GROUND LEVEL - 1:100

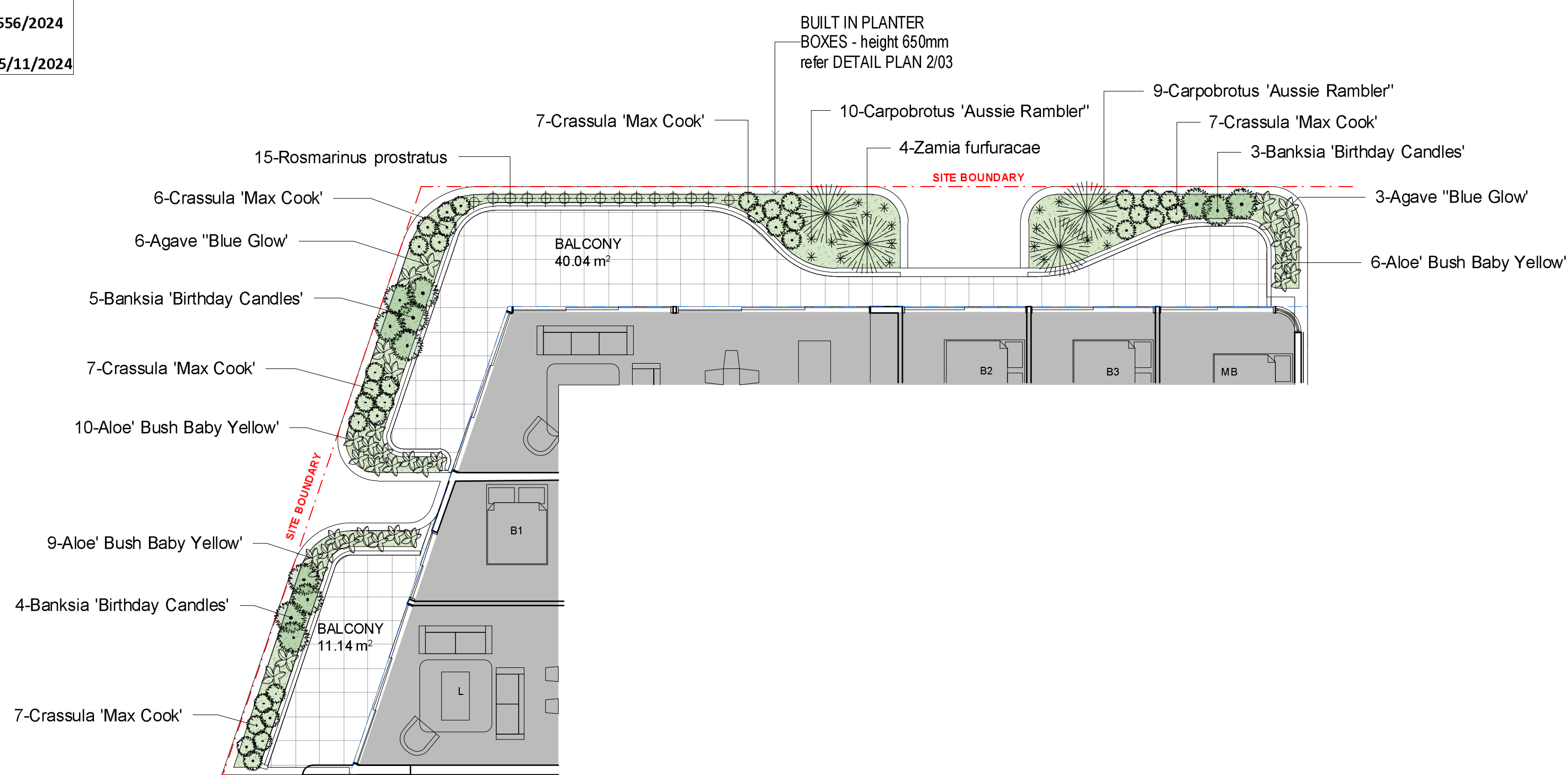


PLANTING DETAIL - FIRST FLOOR BALCONY - 1:100



PLANTING DETAIL - SECOND FLOOR BALCONY - 1:100

RECEIVED
Waverley Council
Receipt No: DA-556/2024
Date Received: 05/11/2024

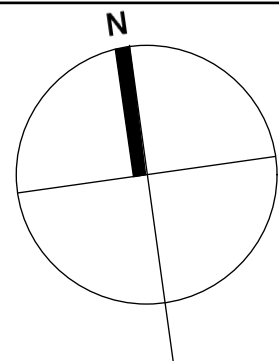


PLANTING DETAIL - THIRD FLOOR BALCONY - 1:100

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MICHAEL ZINN LANDSCAPE DESIGNER

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PROJECT:
525 OLD SOUTH HEAD ROAD, ROSE BAY, NSW

CLIENT :
Ronnie Shulkin

PROJECT TYPE: MIXED DEVELOPMENT

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
LANDSCAPE PLAN - PLANTING PLANS

SCALE: 1:100 @ A1

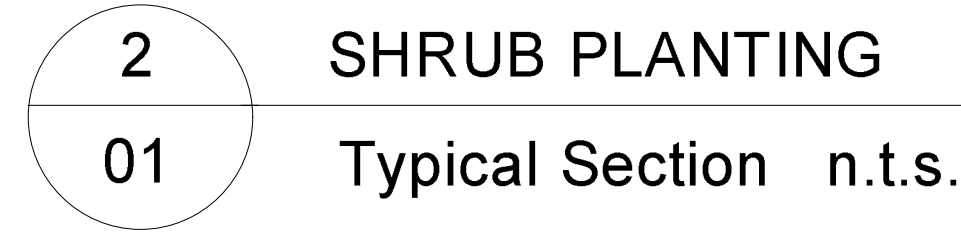
DRAWN: mdz

DATE: 11 Oct 2024

DRAWING NO.:

DA 01.2

REVISION DATE DESCRIPTION



REVISION	DATE	DESCRIPTION
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Report to the Waverley Local Planning Panel

Application number	DA-633/2024
Site address	4 Cross Street, Bronte
Proposal	Alterations and additions to an existing residential flat building including extensions to and replacement of balconies at the rear.
Date of lodgement	14 January 2025
Owner	Proprietors of Strata Plan 49910
Applicant	Ingenuity
Submissions	Three
Cost of works	\$430,000.00
Principal Issues	<ul style="list-style-type: none"> Breach of the Waverley LEP 2012 building height development standard Non-compliance with minimum side setback requirements Privacy impacts
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to an existing residential flat building including extensions to and replacement of balconies at the rear of the site known as 4 Cross Street, Bronte.

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

- Breach of the Waverley LEP 2012 building height development standard.
- Non-compliance with minimum side setback requirements.
- Privacy impacts

The assessment finds these issues acceptable on merit and as conditioned as they will not result in any adverse or unreasonable impacts on the amenity of the neighbouring properties or the character of the locality.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received and there were no conflicts of interest raised by Council staff.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 1 May 2025.

The site is identified as SP 49910, known as 4 Cross Street, Bronte.

The site is rectangular in shape with a frontage of 10.975m to Cross Street. It has an area of 440.9m² and falls from the east (front) towards the west (rear) by approximately 11.29m.

The site is occupied by a four storey residential flat building comprising five units consisting of a mix of two and three bedrooms. No vehicular access is provided to the site.

The site is adjoined by a three storey residential flat building to the north and a two storey dwelling house to the south. The locality is characterised by a variety of low and medium density residential developments.

Figures 1 to 12 are photos of the site and its context.



Figure 1: Front of the site facing east.



Figure 2: Rear of the site facing west.



Figure 3: Rear of the site facing west.



Figure 4: Location proposed for structural foundations.



Figure 5: Unit 4 balcony on the first floor facing north towards 2 Cross Street.



Figure 6: Unit 4 balcony on the first floor facing south towards 6 Cross Street.



Figure 7: Rear setback of the site facing east as viewed from Unit 4.



Figure 8: 6 Cross Street to the south.



Figure 9: 6 Cross Street to the south.



Figure 10: 2 Cross Street to the north.



Figure 11: Unit 5 balcony on the lower ground floor facing south towards 6 Cross Street.



Figure 12: Unit 5 balcony on the lower ground floor facing north towards 2 Cross Street.

1.3. Relevant Development History

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

- On 8 February 1995, building application DA-28/1995 was granted consent for alterations and additions including balconies at the rear.

- On 18 June 2015, development application DA-150/2015 was granted consent for alterations and additions to an existing dwelling (unit 1) including landscaping changes and modifications to windows.
- On 22 November 2016, development application DA-338/2016 was granted consent for alterations and additions to unit 4 including an attic conversion, new balcony & dormer.
- On 2 June 2017, modification application DA-338/2016/A was granted consent for removal of Condition 37 *Pre Occupation Environmental Matters*.

1.4. Proposal

The development application seeks consent for alterations and additions to a residential flat building, and specifically includes the following:

- Demolition of the existing rear balconies.
- Construction of new rear covered and tiled balconies including an inbuilt barbecue area on the southern side and a privacy screen on the northern side.
- New glass sliding doors to the eastern façade of Unit 2 on the ground floor and Unit 5 on the lower ground floor.
- New bedroom window on the northern elevation of Unit 2 on the ground floor.

1.5. Background

The background of the application is as follows:

- On 14 January 2025, the development application was lodged with Council.
- On 4 February 2025, a Stop the Clock letter was issued to the applicant requesting amended plans and additional information in relation to existing use rights, building height, GFA/FSR, shadow diagrams, details relating to the neighbouring properties, and details throughout the plans and documentation.
- On 3 March 2025, the applicant submitted amended plans and documents.
- On 4 March 2025, further amended plans were requested as the items in the Stop the Clock letter were not adequately addressed.
- Between 6 and 12 March 2025, the applicant submitted amended plans.
- On 24 April 2025, a deferral letter was issued to the applicant requesting amended plans and additional information in relation to building height, privacy, structural stability, and details throughout the plans and documentation.
- On 8 May 2025, the applicant submitted amended plans and documentation.
- On 21 May 2025, an updated view analysis was requested from the applicant.
- On 29 May 2025, an updated view analysis and building height Clause 4.6 was provided.
- On 2 June 2025, amended plans and an updated Clause 4.6 was requested.
- On 4 June 2025, the applicant provided amended documentation.

The amended plans and documents received on 8 and 29 May and 4 June 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided below for the relevant SEPP as follows:

SEPP (Housing) 2021

In accordance with Clause (3)(ii) under Chapter 4 *Design of Residential Apartment Development* of SEPP (Housing) 2021, as the proposal does not constitute substantial redevelopment or refurbishment of an existing building, a further assessment against SEPP Housing and the Apartment Design Guide (ADG) is not required.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal will not be inconsistent with the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table	No	The proposal is defined as a residential flat building which is prohibited in the R2 zone.

Provision	Compliance	Comment
<i>R2 Low Density Residential Zone</i>	(acceptable – existing use rights)	Refer to the detailed assessment provided below this table.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal comprises a building height of 12.45m and exceeds the 8.5m building height development standard by 3.95m or 46.47%.
4.4 Floor space ratio and • 0.5:1 (220.45m ²)	NA	The proposal does not include any changes to the existing GFA/FSR.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.21 Flood Planning	Yes	The site is not identified as being flood affected.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal does not include any significant earthworks and will not result in any adverse impacts on the neighbouring properties or the surrounding environment when acting in accordance with the recommendations in the Geotechnical Report and the conditions of consent.
6.14 Waste minimisation and recycling	Yes	Satisfactory.
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

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

Land Use Table

Existing Use Rights

The proposal comprises alterations and additions to an existing *residential flat building* within an R2 Low Density Residential zone. Residential flat buildings are prohibited in an R2 zone under Waverly LEP 2012, however the development application seeks to rely on the ‘existing use rights’ provisions under Division 4.11 of the Act and Part 7 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations).

The existing development was constructed in the 1930s, before commencement of Waverley LEP 2012 which prohibited residential flat buildings within R2 zones and is therefore considered an existing use in accordance with clause 4.65(b)(i) of the Act.

The existing use is not considered to be abandoned as it has not ceased to be used for a continuous period of 12 months in accordance with clause 4.68 of the Act.

Clause 163 of Part 7 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered and extended subject to development consent. With respect to clause 165 of the Regulations, the proposed alterations and additions are for the existing residential use of the building, do not relate to any other use and will be carried out on the land on which the building was originally erected.

The proposal satisfies the requirements under Division 4.11 of the Act and Part 7 of the Regulations and the applicant has satisfactorily demonstrated that the site benefits from existing use rights. The proposal is therefore acceptable in this regard.

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum building height development standard of 8.5m. The proposed development has a building height of 12.45m, exceeding the standard by 3.95m equating to a 46.47% variation. It is noted that the existing building already exceeds the development standard by 4.08m or 48%.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal will not impact on any existing views from the neighbouring properties and will improve on the existing level of privacy. Despite the non-compliance the proposal will therefore preserve amenity in accordance with objective (a).

- (ii) The additional overshadowing resulting from the area of non-compliance is negligible and the proposal will not reduce the solar access to the neighbouring property to less than 3 hours between 9am and 3pm on 21 June (winter solstice), satisfying the Waverley DCP minimum requirements, and therefore will maintain satisfactory solar access in accordance with objective (c).
 - (iii) The proposal is of a height which is in keeping with character of existing developments within the locality and will not be incompatible with the desired future character of the locality, satisfying objective (d).
 - (iv) Compliance with the maximum building height development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out above notwithstanding the non-compliance. The requirements of Clause 4.6(3)(a) are therefore satisfied.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposed works which exceed the 8.5m height limit are direct result of an existing building height breach and the proposed development will not exceed the existing maximum building height.
 - (ii) Compliance with the height of buildings development standard would result in a reduction to the level of amenity afforded to the development.
 - (iii) The proposal does not include any significant changes to the footprint or the bulk and scale of building when compared to the existing development and will not result in adverse impacts on the streetscape or neighbouring properties as a result of bulk and scale.
 - (iv) The proposal will not result in any adverse impacts on the amenity of the neighbouring properties with regard to privacy, views or overshadowing.
 - (v) The proposal has been designed to integrate with the design of the existing development and those within the vicinity of the site and will be in keeping with the desired future character of the locality.
 - (vi) The proposal achieves the objectives of Section 1.3 of the EP&A Act, as it will promote the orderly and economic use of the land and will promote good design and amenity.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and measured the height using the correct ground level. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]

It is agreed that proposal will preserve amenity with regard to retention of views and privacy and that the proposal will maintain satisfactory solar access for the neighbouring properties. It is also agreed that the proposal will be in keeping the desired future character of the locality. The proposal will satisfy the objectives of the building height development standard despite the non-compliance and the applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

It is agreed that the proposal will be of a similar bulk and scale of building when compared to the existing development, and that it will not result in adverse impacts on the amenity of the streetscape or neighbouring properties. The proposal will integrate with the design of the existing development and be in keeping with the desired future character of the locality, and will not be incompatible with existing developments within the vicinity of the site.

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

The written request provided by the applicant to vary the building height development has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is identified as being located within a Habitat Corridor. The proposal does not include any changes to the existing provision of landscaping and will not result in any adverse impacts on existing significant/mature landscaping when acting in accordance with the conditions of consent.
5. Water Management	Yes	Satisfactory.
9. Safety	Yes (as conditioned)	<p>The proposal was referred to Council's Fire Safety officer who provided the following comments:</p> <p><i>A brief assessment of the preliminary plans revealed that there may be a number of non-compliances with the BCA including, but not limited to: -</i></p> <ul style="list-style-type: none"> <i>i. fire separation issues between sole-occupancy units and common areas, fire resistance levels of existing building elements together with protection of openings internally and externally (i.e. Section C of BCA);</i> <i>ii. access and egress issues pertaining to escape and construction of exits (i.e. Section D of NCC BCA);</i> <i>iii. inadequate fire services and equipment (i.e. Section E of NCC BCA); and</i> <p>To ensure these matters are addressed during the Construction Certificate phase of the development, conditions of consent have been included which stipulate that all building works must be carried out in accordance with the requirements of the NCC Building Code of Australia, that all currently implemented and proposed fire safety measures are submitted with the Construction Certificate, and that all structural</p>

Development Control	Compliance	Comment
		<p>details be certified and provided to Council prior to the issuing of the Construction Certificate.</p> <p>As conditioned, the proposal will adequately address the concerns raised by Council's Fire Safety officer.</p>
11. Design Excellence	Yes	Satisfactory.
13. Excavation	Yes	Satisfactory. The proposal does not include any significant earthworks and will not result in any adverse impacts on the neighbouring properties or the surrounding environment when acting in accordance with the recommendations in the Geotechnical Report and the conditions of consent.

Table 53: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.3 Setbacks		
2.3.2 Side and rear setbacks <ul style="list-style-type: none"> <i>Minimum side setback: 1.5m</i> <i>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</i> 	No (acceptable on merit)	<p>The proposal comprises a building height up to 12.39m on the northern elevation and 10.77m on the southern elevation and therefore in accordance with control (b) a 1.5m side setback is required.</p> <p>The proposal comprises a setback of 940mm from the northern boundary and 1.17m from southern boundary which is a slight reduction from the exiting setbacks.</p> <p>The proposal will be in keeping with the existing development and the non-compliance will not result in any adverse impacts on the neighbouring properties. Despite the non-compliance the proposal will continue to satisfy the objectives under this part and it is therefore acceptable on merit.</p> <p>The proposal will maintain a compatible rear building line and will be set back greater than 6m from the rear boundary in accordance with control (a).</p>
2.5 Building design and streetscape		
<ul style="list-style-type: none"> <i>Respond to streetscape</i> <i>Sympathetic external finishes</i> 	Yes	The built form and design of the proposal will be in keeping with the context of the locality.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Removal of original architectural features not supported 		
2.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 66.15m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight 	Yes	The proposal does not include any changes to the existing provision of communal open space.
2.11 Private Open Space		
2.11.2 – Balconies/decks <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy 	Yes	<p>The proposal will be of a similar bulk and scale to the existing rear balconies and the proposal will not result in any adverse impacts on the character of the building.</p> <p>The balconies will continue to receive adequate solar access and will maintain</p>
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June 	Yes	<p>The proposal will result in additional overshadowing of the neighbouring property at 6 Cross Street, however it will not result in that property receiving less than 3 hours of solar access to its private open space or north facing habitable room windows.</p> <p>The proposal therefore meets the minimum requirements and is acceptable.</p>
2.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface Views from public spaces to be maintained 	Yes	<p>In accordance with the details provided on the view analysis, the proposal will not result in any impacts on public or private views.</p> <p>No submissions were received raising concerns with regard to the loss of views.</p>
2.15 Visual privacy and security		
<ul style="list-style-type: none"> Above ground open space must not overlook rooms 	Yes	Refer to the detailed assessment provided below this table.

Development Control	Compliance	Comment
<i>and private landscaped areas of adjoining properties or be screened</i> <ul style="list-style-type: none"> • Privacy be considered in relation to context density, separation use and design • Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development 		
2.16 Dwelling size and layout		
<ul style="list-style-type: none"> • Max habitable room depth for single aspect dwelling is 8m from a window • All habitable rooms to have a window • Provide a range of dwelling types and sizes • Min sizes Studio = 35m² 1 bedroom = 50m² 2 bedroom = 80m² 3 bedroom = 100m² 	Yes	No changes to the size of the existing dwellings are proposed.
2.17 Ceiling Heights		
<ul style="list-style-type: none"> • Min 2.7m floor to ceiling height residential floors • Min 2.4m floor to ceiling height attic levels 	Yes	Adequate floor to ceiling heights will be maintained for each balcony.
2.19 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposal will not result in any adverse impacts with regard to acoustic amenity.
2.20 Natural Ventilation		
<ul style="list-style-type: none"> • All dwellings to be naturally cross-ventilated • Building to be orientated to maximise breezes 	Yes	The proposal will retain and improve the existing provision of cross flow ventilation.

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

Visual Privacy and Security

Submissions were received from Unit 1 and Unit 2 of 2 Cross Street located to the north of the subject site raising concerns with regard to the proposal's impact on privacy, as they are of the view that the

proposal would exacerbate the existing privacy issues by extending the usable area of the balcony to the corner post, and are of the view that the proposed privacy screening will not adequately mitigate the privacy impacts.

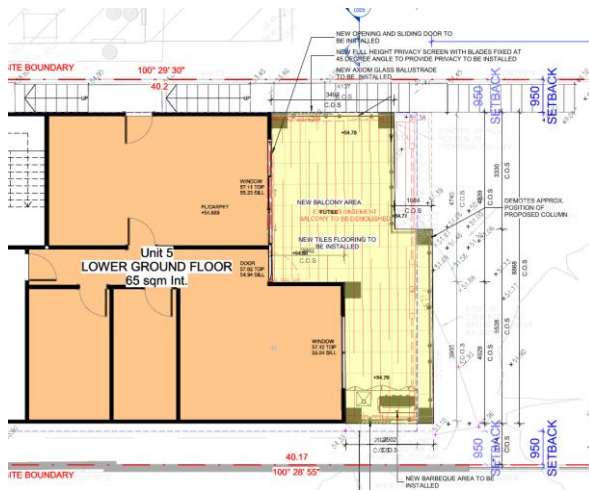


Figure 13. Existing and proposed Unit 5 (lower ground floor) plan overlay.

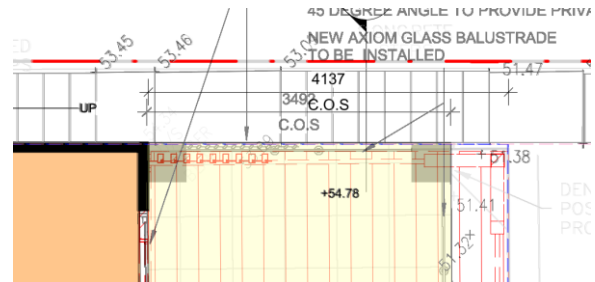


Figure 14. Existing and proposed Unit 5 (lower ground floor) plan overlay, zoomed in.

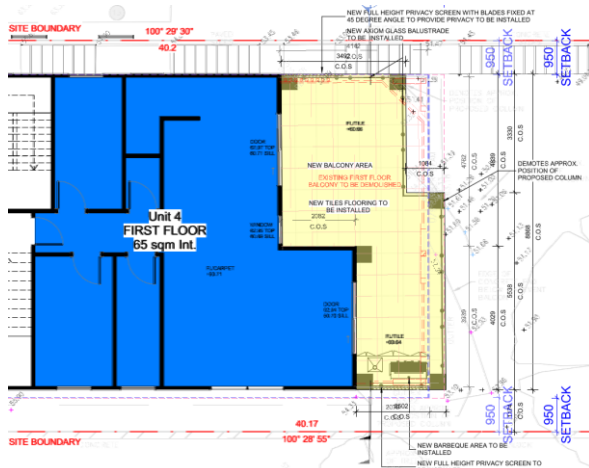


Figure 15. Existing and proposed Unit 4 (first floor) balcony plan overlay.

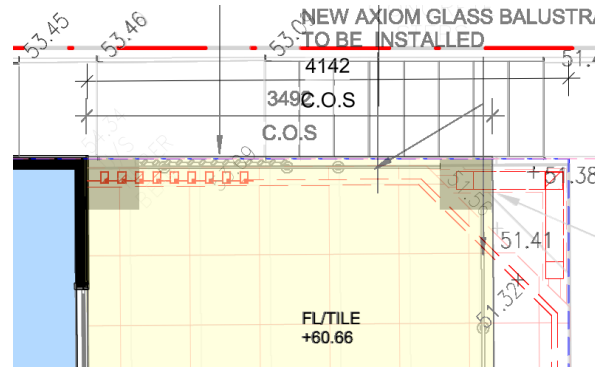


Figure 16. Existing and proposed Unit 4 (first floor) balcony plan overlay, zoomed in.



Figure 17. Outlook towards 4 Cross Street from Unit 1 at 2 Cross Street as provided in the



Figure 18. Outlook towards 4 Cross Street from Unit 1 at 2 Cross Street as provided in the

submission received from Unit 1 of 2 Cross
Street.

submission received from Unit 1 of 2 Cross
Street.

As detailed in **Figure 12** to **Figure 16** above, the proposal seeks to reduce the width of the northern portion of the balcony and increase the width in which the privacy screen extends along the northern side. The proposal will provide a greater level of screening than is currently provided and will maintain an acceptable level of privacy between the two properties.

The privacy screens provided along the southern side of the balcony will also improve on the existing level of privacy between the subject site and 6 Cross Street to the south.

The proposal will not result in any adverse or unreasonable privacy impacts and is acceptable.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 20 March and 3 April 2025 in accordance with the *Community Engagement Strategy 2023*. Additional property within the 40m radius were notified for 14 days between 22 April and 8 May 2025.

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

- The extension to the width of the southern end of the balcony was reduced, reducing overshadowing impacts on 6 Cross Street.
- A full length privacy screen was provided along the southern side of the Unit 4 balcony on the first floor, reducing privacy impacts on 6 Cross Street.
- The storage cages originally proposed below the balconies was deleted, removing the breach sought to the FSR development standard.

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

- 1/2 Cross Street, Bronte (two submissions received)
- 2/2 Cross 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:

- Privacy impacts on 2 Cross Street.

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

Issue: Plans lacking dimensions and details

Response: Concerns were raised that the architectural plans lacked dimensions and details resulting in ambiguity with regard to the exact specifications of the proposal. Amended plans were submitted during the assessment detailing a great level of detail. The level of detail provided in the amended plans was sufficient to enable a detailed assessment.

Issue: Construction details

Response: Concerns were raised that there was a lack of detail provided in relation to how the development would be constructed with regard to engineering, construction methodology, geotechnical considerations and material specifications. During the assessment, a Geotechnical Report and greater detail on the plans was provided. The information submitted was sufficient for this stage of the approval process and it was also considered sufficient to enable a detailed assessment. When acting in accordance with the recommendations in the Geotechnical Report and the conditions of consent, the proposal will not result in any adverse impacts on the neighbouring properties or the surrounding environment.

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 referral comments were sought:

3.1. Stormwater

Council's Stormwater Management officer raised no objection subject to conditions of consent.

3.2. Fire Safety

Council's Fire Safety officer raised no objection subject to conditions stipulating that all building works must be carried out in accordance with the requirements of the NCC Building Code of Australia, that all currently implemented and proposed fire safety measures are submitted with the Construction Certificate, and that all structural details be certified and provided to Council prior to the issuing of the Construction Certificate.

4. CONCLUSION

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



5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 22 April 2025 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	Application reviewed and agreed by:
	
Karis Keenan	David Knight
Senior Development Assessment Planner	Acting Manager, Development Assessment
Date: 4 June 2025	Date: 11 June 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	46.47% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
		No change to overall building height
		No change to overall building envelope
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds

	X	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
Waverley Council Data		
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Was there a ‘Conflict of Interest’ declared	No	

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																																																							
1.	APPROVED PLANS AND DOCUMENTATION																																																																																							
	<p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Class 2 Architect of Project No: 2024098 including the following:</p> <table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>0000 Rev D</td><td>Cover Sheet</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0001 Rev D</td><td>Site Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0107 Rev D</td><td>Demo Lower Ground Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0108 Rev D</td><td>Demo Ground Floor Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0109 Rev D</td><td>Demo First Floor Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0111 Rev D</td><td>Demo Roof Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0113 Rev D</td><td>Proposed Lower Ground Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0114 Rev D</td><td>Proposed Ground Floor Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0115 Rev D</td><td>Proposed First Floor Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0117 Rev D</td><td>Proposed Roof Plan</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0203 Rev D</td><td>Demo Elevation North</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0204 Rev D</td><td>Demo Elevation South</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0205 Rev D</td><td>Demo Elevation East and West</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0206 Rev D</td><td>Proposed Elevation North</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0207 Rev D</td><td>Proposed Elevation South</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0208 Rev D</td><td>Proposed Elevation East and West</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0302 Rev D</td><td>Demo Long Section</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0303 Rev D</td><td>Demo Short Section</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0304 Rev D</td><td>Proposed Long Section</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0305 Rev D</td><td>Proposed Short Section</td><td>5 June 2025</td><td>5 June 2025</td></tr><tr><td>0500 Rev D</td><td>Schedule of Finishes</td><td>5 June 2025</td><td>5 June 2025</td></tr></table> <p>(b) Geotechnical Investigation Report, Slope Stability and Foundation Assessment Ref: G789-1 prepared by Foundation Earth Sciences dated 25 April 2025 and received by Council on 8 May 2025.</p> <p>(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 14 January 2025.</p> <p>Except where amended by the following conditions of consent.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	0000 Rev D	Cover Sheet	5 June 2025	5 June 2025	0001 Rev D	Site Plan	5 June 2025	5 June 2025	0107 Rev D	Demo Lower Ground Plan	5 June 2025	5 June 2025	0108 Rev D	Demo Ground Floor Plan	5 June 2025	5 June 2025	0109 Rev D	Demo First Floor Plan	5 June 2025	5 June 2025	0111 Rev D	Demo Roof Plan	5 June 2025	5 June 2025	0113 Rev D	Proposed Lower Ground Plan	5 June 2025	5 June 2025	0114 Rev D	Proposed Ground Floor Plan	5 June 2025	5 June 2025	0115 Rev D	Proposed First Floor Plan	5 June 2025	5 June 2025	0117 Rev D	Proposed Roof Plan	5 June 2025	5 June 2025	0203 Rev D	Demo Elevation North	5 June 2025	5 June 2025	0204 Rev D	Demo Elevation South	5 June 2025	5 June 2025	0205 Rev D	Demo Elevation East and West	5 June 2025	5 June 2025	0206 Rev D	Proposed Elevation North	5 June 2025	5 June 2025	0207 Rev D	Proposed Elevation South	5 June 2025	5 June 2025	0208 Rev D	Proposed Elevation East and West	5 June 2025	5 June 2025	0302 Rev D	Demo Long Section	5 June 2025	5 June 2025	0303 Rev D	Demo Short Section	5 June 2025	5 June 2025	0304 Rev D	Proposed Long Section	5 June 2025	5 June 2025	0305 Rev D	Proposed Short Section	5 June 2025	5 June 2025	0500 Rev D	Schedule of Finishes	5 June 2025
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0500 Rev D	Schedule of Finishes	5 June 2025	5 June 2025																																																																																					

	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
2.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
3.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> (a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> (i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

	<ul style="list-style-type: none"> - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> (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 <u>full</u> cost of the development; or (iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development. <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
4.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$12,880.00 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.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>

5.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
6.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
7.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
8.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
9.	<p>GEOTECHNICAL REPORT</p> <p>The development must be undertaken in accordance with the recommendations contained in the Geotechnical Investigation Report, Slope Stability and Foundation Assessment Ref: G789-1 prepared by Foundation Earth Sciences dated 25 April 2025 and received by Council on 8 May 2025.</p>

	<p>Condition reason: To ensure the works are undertaken in accordance with the recommendations in the Geotechnical Report.</p>
10.	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>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.</p> <p>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 must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <ul style="list-style-type: none"> (a) 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. (b) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. (c) Any new downpipes must be located wholly within the property's boundary. (d) Any Council infrastructure affected as a 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 if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. <p>Notes:</p> <ul style="list-style-type: none"> i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions. ii. Since a sewer main runs through the property, plans must also be presented to Sydney Water for their approval. iii. 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. iv. 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. v. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to

	<p>review and approve the stormwater management plan may take at least 15 working days from the date of submission.</p> <p>vi. Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.</p>
	<p>Condition reason: To ensure the design is in accordance with the Development Consent, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practices.</p>
11.	<p>BUILDING CODE OF AUSTRALIA</p> <p>All building work must be carried out in accordance with the requirements of the NCC Building Code of Australia.</p> <p>(a) If compliance with the deemed-to-satisfy provisions of the NCC BCA cannot be achieved, a performance solution in accordance with Part A2 of the NCC BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the NCC BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the NCC Building Code of Australia.</p> <p>(b) Any design amendments required to achieve compliance with the NCC BCA may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.</p> <p>Details demonstrating compliance with the NCC BCA must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.</p>
	<p>Condition reason: To ensure the proposal satisfies the NCC Building Code of Australia.</p>
12.	<p>ESSENTIAL SERVICES - EXISTING BUILDING</p> <p>Details of the currently implemented and proposed essential fire safety measures shall be submitted 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.</p> <p>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:</p> <p>(a) has been assessed by a properly qualified person; and</p> <p>(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.</p>

	Condition reason: To ensure the property maintains adequate first safety measures.
13.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
14.	<p>DILAPIDATION REPORT</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> (a) 2 Cross Street, Bronte (b) 6 Cross Street, Bronte <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
15.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
16.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>

17.	<p>TREE PROTECTION</p> <p>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.</p> <p>Condition reason: To protect and retain trees.</p>
18.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

	Condition
19.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
20.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
21.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
22.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
23.	STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
24.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , Part 8 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
25.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
26.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
27.	<p>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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
4.	<p>DIAL BEFORE YOU DIG</p> <p>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</p>

	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.
5.	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.
6.	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.
7.	EXCAVATION TO BE LIMITED Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
	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.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

ARCHITECTURAL

SHEET	SHEET NAME	REV	DATE
0001	SITE PLAN	D	05/06/2025
0100	EXISTING BASEMENT PLAN	D	05/06/2025
0101	EXISTING LOWER GROUND PLAN	D	05/06/2025
0102	EXISTING GROUND FLOOR PLAN	D	05/06/2025
0103	EXISTING FIRST FLOOR PLAN	D	05/06/2025
0104	EXISTING ATTIC PLAN	D	05/06/2025
0105	EXISTING ROOF PLAN	D	05/06/2025
0106	DEMO BASEMENT PLAN	D	05/06/2025
0107	DEMO LOWER GROUND PLAN	D	05/06/2025
0108	DEMO GROUND FLOOR PLAN	D	05/06/2025
0109	DEMO FIRST FLOOR PLAN	D	05/06/2025
0110	DEMO ATTIC PLAN	D	05/06/2025
0111	DEMO ROOF PLAN	D	05/06/2025
0112	PROPOSED BASEMENT PLAN	D	05/06/2025
0113	PROPOSED LOWER GROUND PLAN	D	05/06/2025
0114	PROPOSED GROUND FLOOR PLAN	D	05/06/2025
0115	PROPOSED FIRST FLOOR PLAN	D	05/06/2025
0116	PROPOSED ATTIC PLAN	D	05/06/2025
0117	PROPOSED ROOF PLAN	D	05/06/2025
0200	EXISTING ELEVATION NORTH	D	05/06/2025
0201	EXISTING ELEVATION SOUTH	D	05/06/2025
0202	EXISTING ELEVATION EAST & WEST	D	05/06/2025
0203	DEMO ELEVATION NORTH	D	05/06/2025
0204	DEMO ELEVATION SOUTH	D	05/06/2025
0205	DEMO ELEVATION EAST & WEST	D	05/06/2025
0206	PROPOSED ELEVATION NORTH	D	05/06/2025
0207	PROPOSED ELEVATION SOUTH	D	05/06/2025
0208	PROPOSED ELEVATION EAST & WEST	D	05/06/2025
0300	EXISTING LONG SECTION	D	05/06/2025
0301	EXISTING SHORT SECTION	D	05/06/2025
0302	DEMO LONG SECTION	D	05/06/2025
0303	DEMO SHORT SECTION	D	05/06/2025
0304	PROPOSED LONG SECTION	D	05/06/2025
0305	PROPOSED SHORT SECTION	D	05/06/2025
0401	SHADOW DIAGRAM	D	05/06/2025
0402	SHADOW DIAGRAM	D	05/06/2025
0403	EXISTING VIEW FROM THE SUN 21ST JUNE - 9AM	D	05/06/2025
0404	EXISTING VIEW FROM THE SUN 21ST JUNE - 10AM	D	05/06/2025
0405	EXISTING VIEW FROM THE SUN 21ST JUNE - 11AM	D	05/06/2025
0406	EXISTING VIEW FROM THE SUN 21ST JUNE - 12PM	D	05/06/2025
0407	EXISTING VIEW FROM THE SUN 21ST JUNE - 1PM	D	05/06/2025
0408	EXISTING VIEW FROM THE SUN 21ST JUNE - 2PM	D	05/06/2025
0409	EXISTING VIEW FROM THE SUN 21ST JUNE - 3PM	D	05/06/2025
0410	PROPOSED VIEW FROM THE SUN 21ST JUNE - 9AM	D	05/06/2025
0411	PROPOSED VIEW FROM THE SUN 21ST JUNE - 10AM	D	05/06/2025
0412	PROPOSED VIEW FROM THE SUN 21ST JUNE - 11AM	D	05/06/2025
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0416	PROPOSED VIEW FROM THE SUN 21ST JUNE - 3PM	D	05/06/2025
0417	PROPOSED ELEVATION SHADOW	D	05/06/2025
0418	PROPOSED ELEVATION SHADOW	D	05/06/2025
0419	PROPOSED ELEVATION SHADOW	D	05/06/2025
0500	SCHEDULE OF FINISHES	D	05/06/2025
0502	CONCEPT 3D VIEW	D	05/06/2025
0503	GFA	D	05/06/2025
0504	VIEW ANALYSIS FROM 3 & 5 CROSS ST	B	05/06/2025
0505	VIEW ANALYSIS FROM 3 & 5 CROSS ST - Rygate & Company	B	05/06/2025

CROSS STREET

4 CROSS STREET, BRONTE, NSW 2024

RECEIVED
Waverley Council

Application No: DA-633/2024

Date Received: 5 June 2025

NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

LEGEND:

PROJECT:

#2024098

CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:

COVER SHEET

SHEET NUMBER:

0000

DATE: 05/06/2025

REV:

D

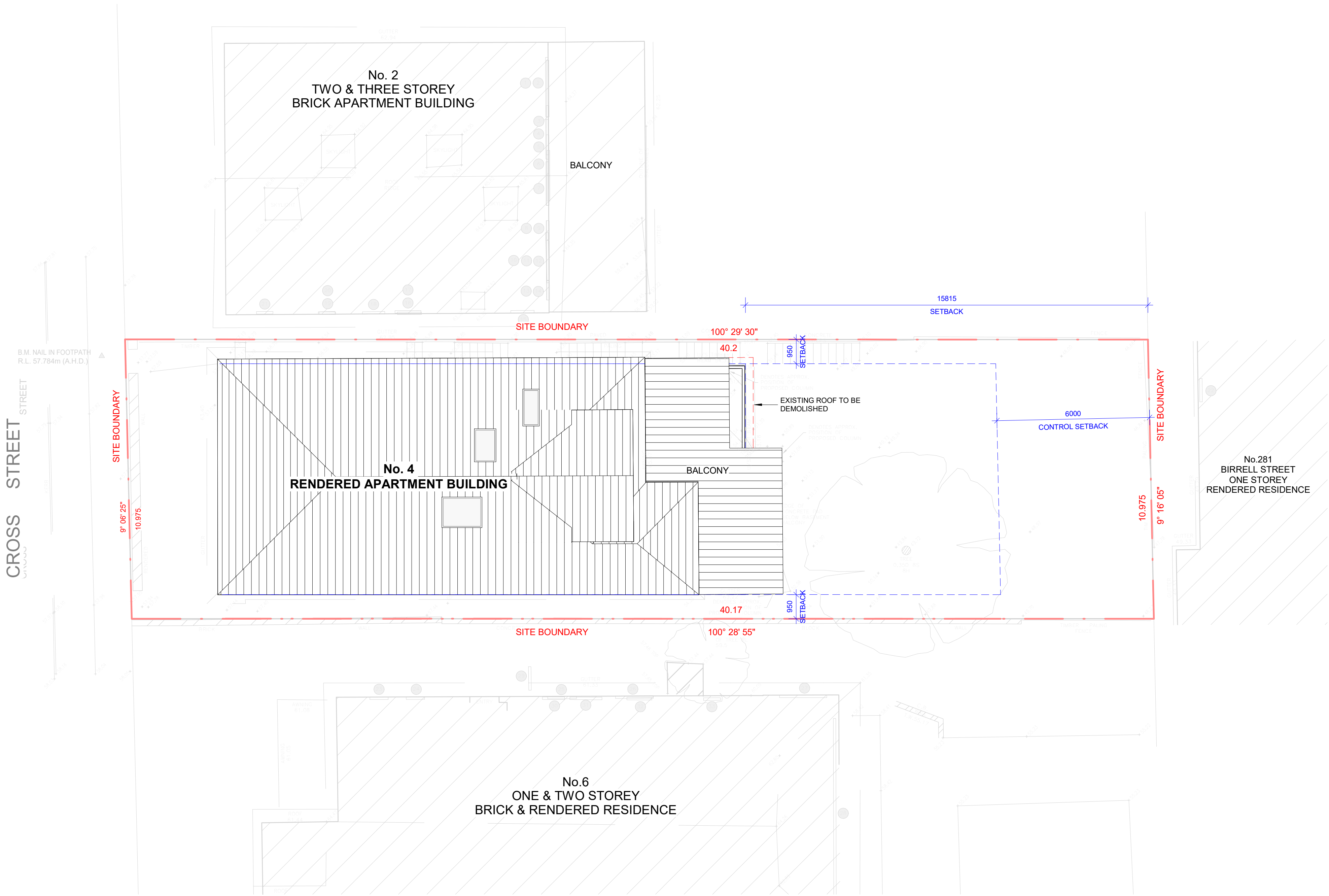
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Application No: DA-633/2024
Date Received: 5 June 2025

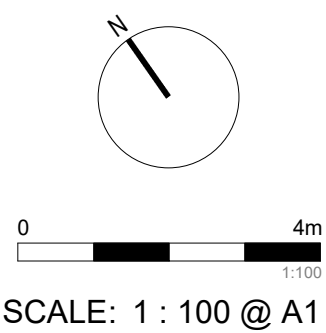


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DEVELOPMENT APPLICATION

Document Notes
Verify all dimensions on site before commencing work. Report all discrepancies to the architect prior to construction. Place Studio shall not be held responsible for any variations to specifications or drawings due to any discrepancies without consultation. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authority requirements and Regulations.

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LEGEND:



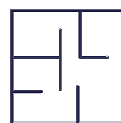
PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
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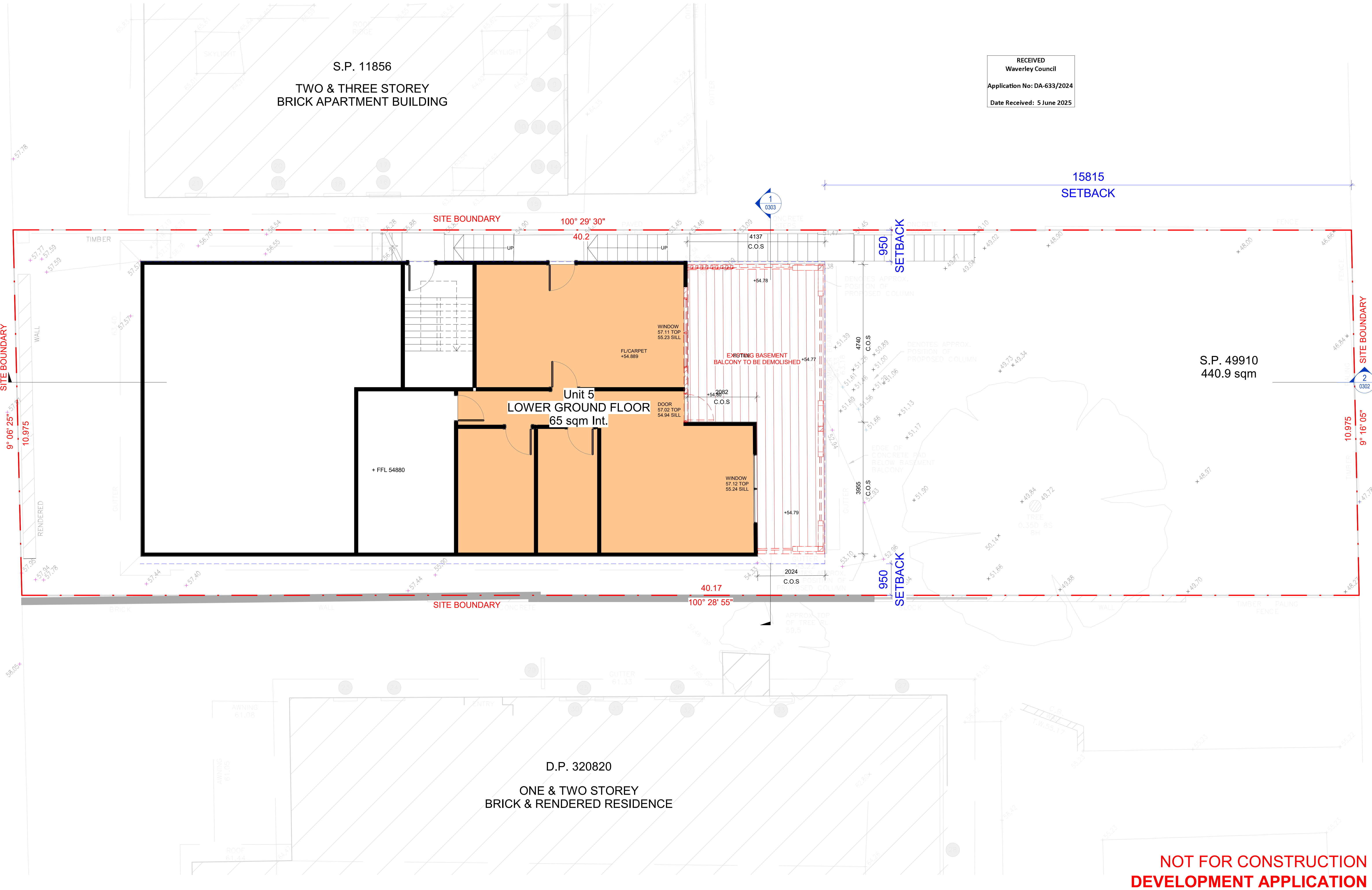
SHEET NUMBER:
0001
DATE: 05/06/2025

REV:
D

ARCHITECT:



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Application No: DA-633/2024
Date Received: 5 June 2025

15815
SETBACK

950
SETBACK

950
SETBACK

950
SETBACK

S.P. 49910
440.9 sqm

Unit 5
LOWER GROUND FLOOR
65 sqm Int.

SITE BOUNDARY

NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
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6/5/2025 10:01:44 AM

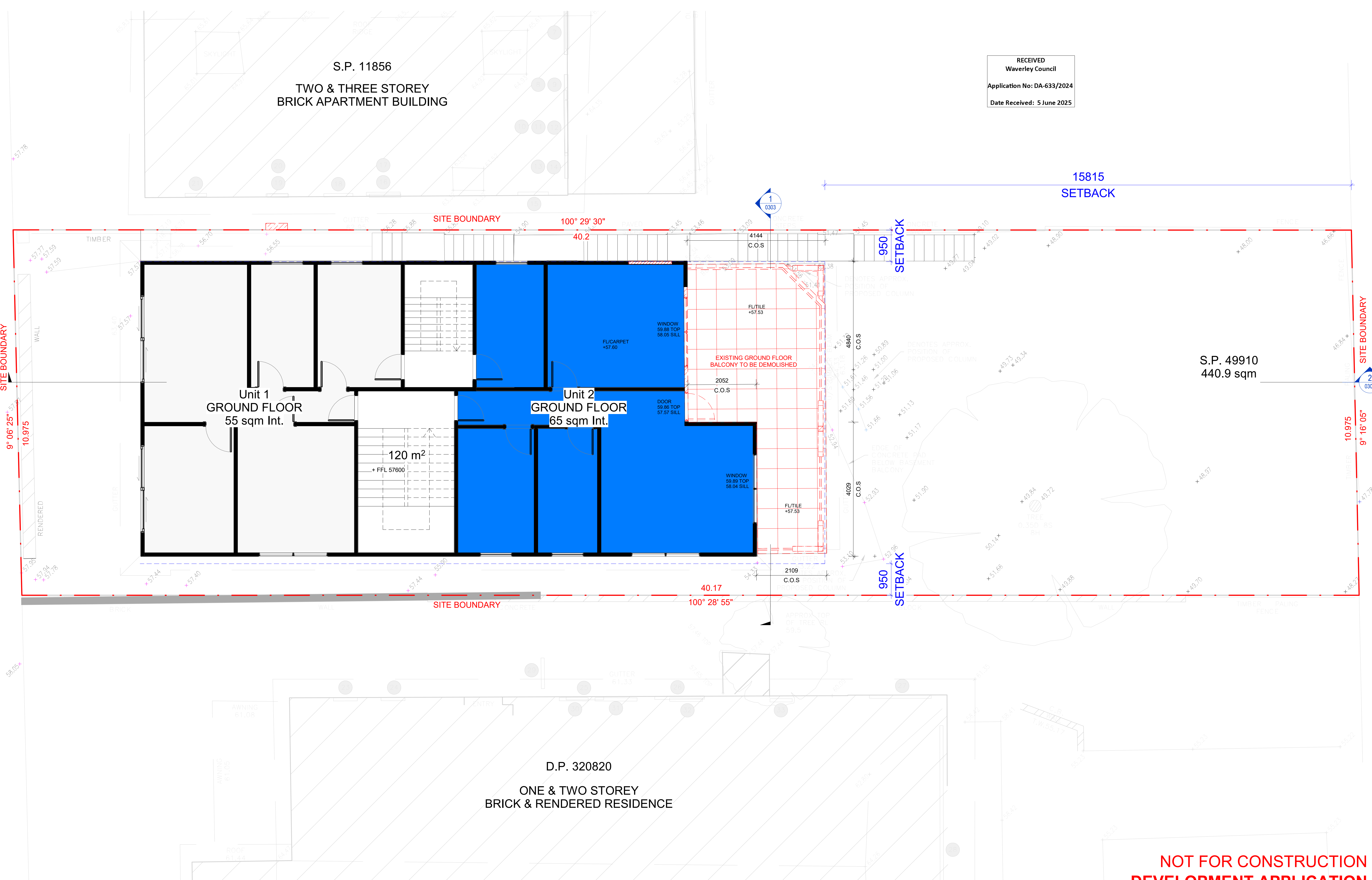
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--- EXISTING SETBACK --- TO BE DEMOLISHED
--- SITE BOUNDARY

SCALE: 1 : 50 @ A1

PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
DEMO LOWER GROUND
PLAN
SHEET NUMBER:
0107
DATE: 05/06/2025

ARCHITECT:
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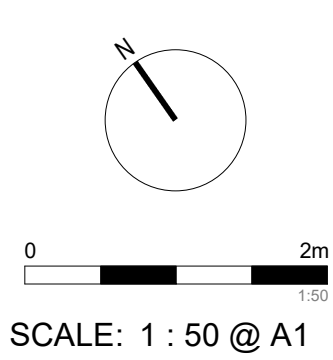


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- LEGEND:
- EXISTING SETBACK
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 - SITE BOUNDARY



PROJECT:
#2024098
CROSS STREET

4 CROSS STREET, BRONTE, NSW
2024

CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
**DEMO GROUND FLOOR
PLAN**

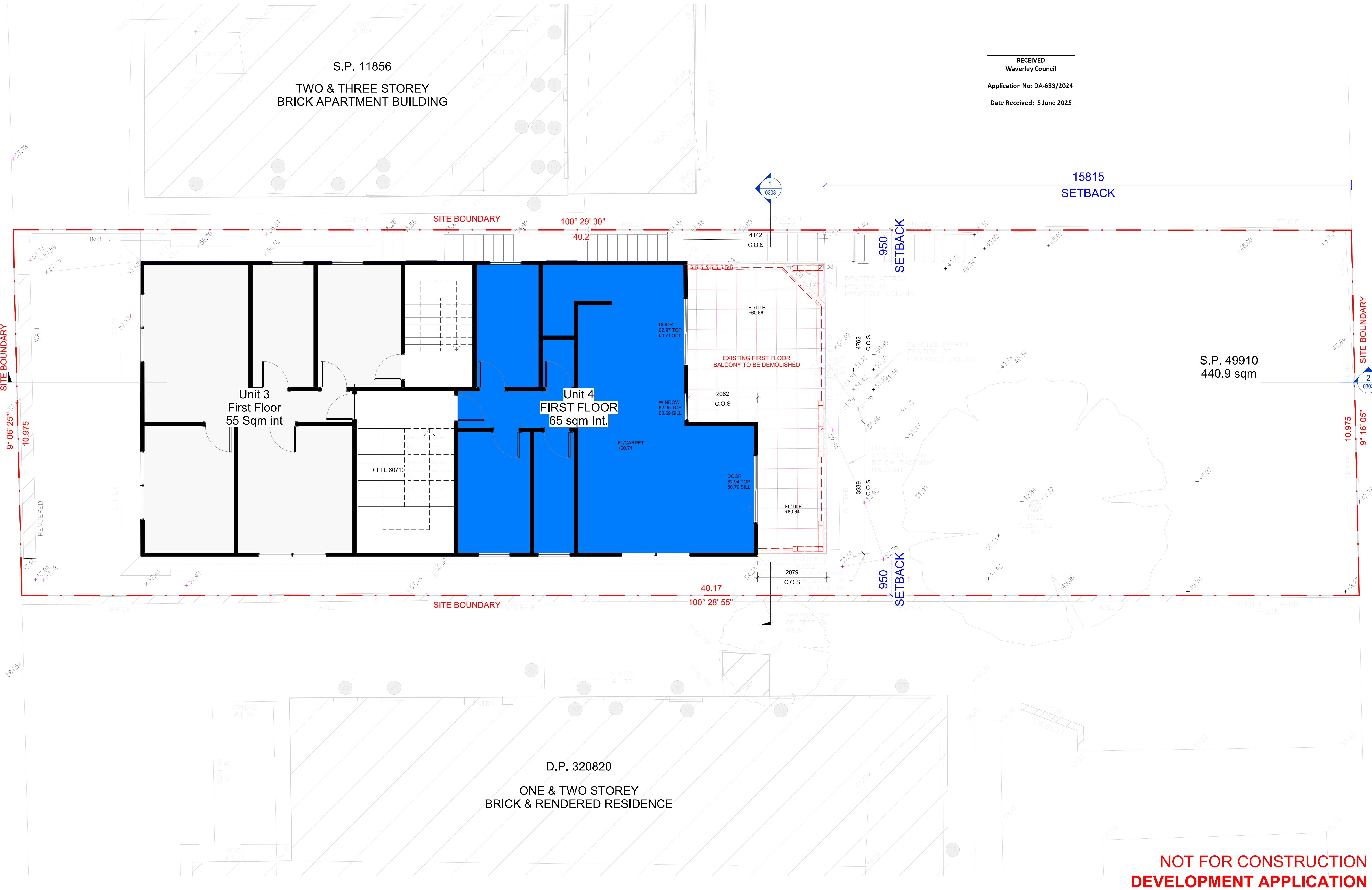
SHEET NUMBER:
0108

DATE: 05/06/2025

ARCHITECT:

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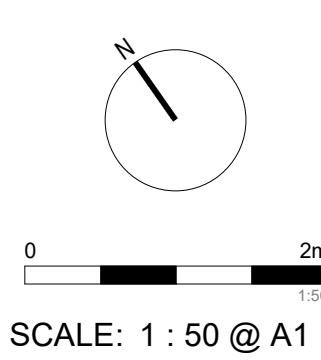


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- LEGEND:
- EXISTING SETBACK
 - TO BE DEMOLISHED
 - SITE BOUNDARY



PROJECT:
#2024098
CROSS STREET

4 CROSS STREET, BRONTE, NSW
2024

CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
**DEMO FIRST FLOOR
PLAN**

SHEET NUMBER:
0109

DATE: 05/06/2025

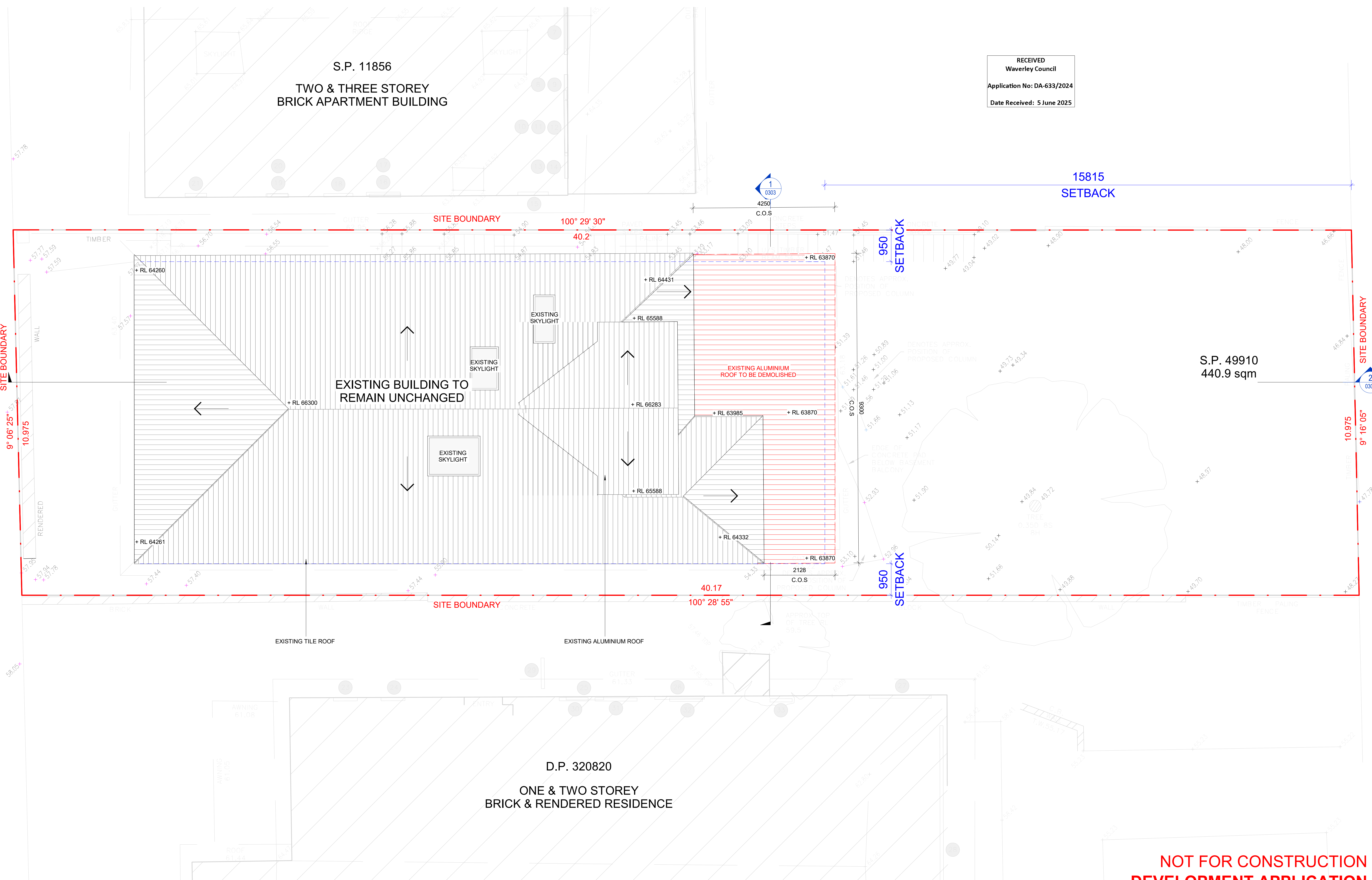
REV:
D

ARCHITECT:


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DEVELOPMENT APPLICATION**



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LEGEND:

--- EXISTING SETBACK --- TO BE DEMOLISHED
--- SITE BOUNDARY

SCALE: 1 : 50 @ A1

PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
DEMO ROOF PLAN
SHEET NUMBER:
0111
DATE: 05/06/2025

ARCHITECT:
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Waverley Council
Application No: DA-633/2024
Date Received: 5 June 2025

S.P. 11856
TWO & THREE STOREY
BRICK APARTMENT BUILDING

15815
EXT.SETBACK
15382
PROPOSED SETBACK

S.P. 49910
440.9 sqm

Unit 5
LOWER GROUND FLOOR
65 sqm Int.

D.P. 320820
ONE & TWO STOREY
BRICK & RENDERED RESIDENCE

NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
Verify all dimensions on site before commencing work. Report all discrepancies to the architect prior to construction. Place Studio shall not be held responsible for any variations to specifications or drawings due to any discrepancies without consultation. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authority requirements and Regulations.

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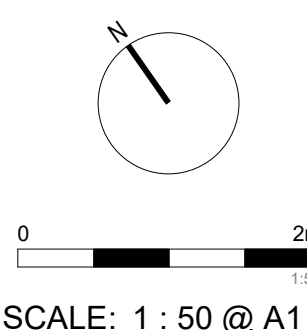
6/5/2025 10:01:47 AM

LEGEND:

--- EXISTING SETBACK
--- NEW SETBACK
--- SITE BOUNDARY

PROPOSED AREA

585



PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
PROPOSED LOWER
GROUND PLAN
SHEET NUMBER:
0113
DATE: 05/06/2025

REV:

D

ARCHITECT:



Class 2 Architect

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RECEIVED
Waverley Council
Application No: DA-633/2024
Date Received: 5 June 2025

S.P. 11856
TWO & THREE STOREY
BRICK APARTMENT BUILDING

15815
EXT.SETBACK
15382
PROPOSED SETBACK

S.P. 49910
440.9 sqm

Unit 1
GROUND FLOOR
55 sqm Int.

Unit 2
GROUND FLOOR
65 sqm Int.

120 m²

SITE BOUNDARY

40.17
100° 28' 55"

D.P. 320820
ONE & TWO STOREY
BRICK & RENDERED RESIDENCE

NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

Document Notes
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6/5/2025 10:01:48 AM

LEGEND:
--- EXISTING SETBACK
--- NEW SETBACK
--- SITE BOUNDARY
PROPOSED AREA

SCALE: 1 : 50 @ A1

PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
PROPOSED GROUND
FLOOR PLAN
SHEET NUMBER:
0114
DATE: 05/06/2025

ARCHITECT:
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RECEIVED
Waverley Council
Application No: DA-633/2024
Date Received: 5 June 2025

S.P. 11856
TWO & THREE STOREY
BRICK APARTMENT BUILDING

15815
EXT.SETBACK
15382
PROPOSED SETBACK

S.P. 49910
440.9 sqm

Unit 3
FIRST FLOOR
55 sqm Int.

Unit 4
FIRST FLOOR
65 sqm Int.

D.P. 320820
ONE & TWO STOREY
BRICK & RENDERED RESIDENCE

NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

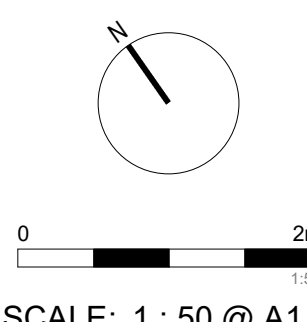
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LEGEND:

- EXISTING SETBACK
--- NEW SETBACK
--- SITE BOUNDARY
- PROPOSED AREA



PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
PROPOSED FIRST
FLOOR PLAN
SHEET NUMBER:
0115
DATE: 05/06/2025

REV:
D

ARCHITECT:
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Date Received: 5 June 2025

S.P. 11856
TWO & THREE STOREY
BRICK APARTMENT BUILDING

15815
EXT.SETBACK
15382
PROPOSED SETBACK

S.P. 49910
440.9 sqm

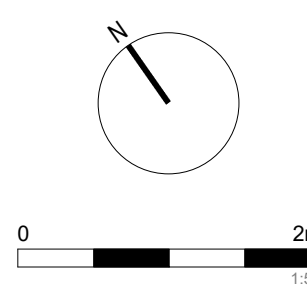
D.P. 320820
ONE & TWO STOREY
BRICK & RENDERED RESIDENCE

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- EXISTING SETBACK
--- NEW SETBACK
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- PROPOSED AREA

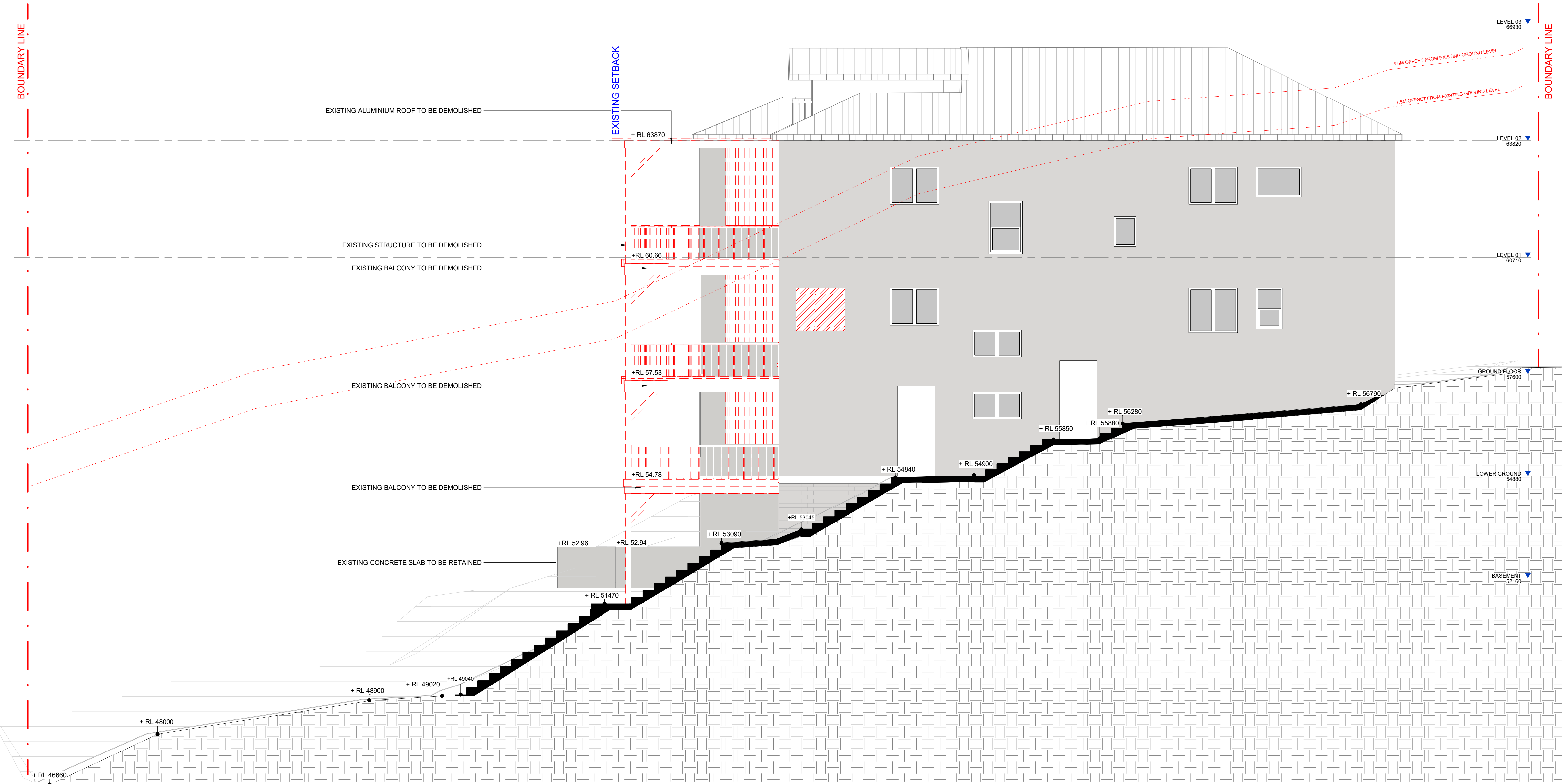


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2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
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SHEET NUMBER:
0117
DATE: 05/06/2025

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15834



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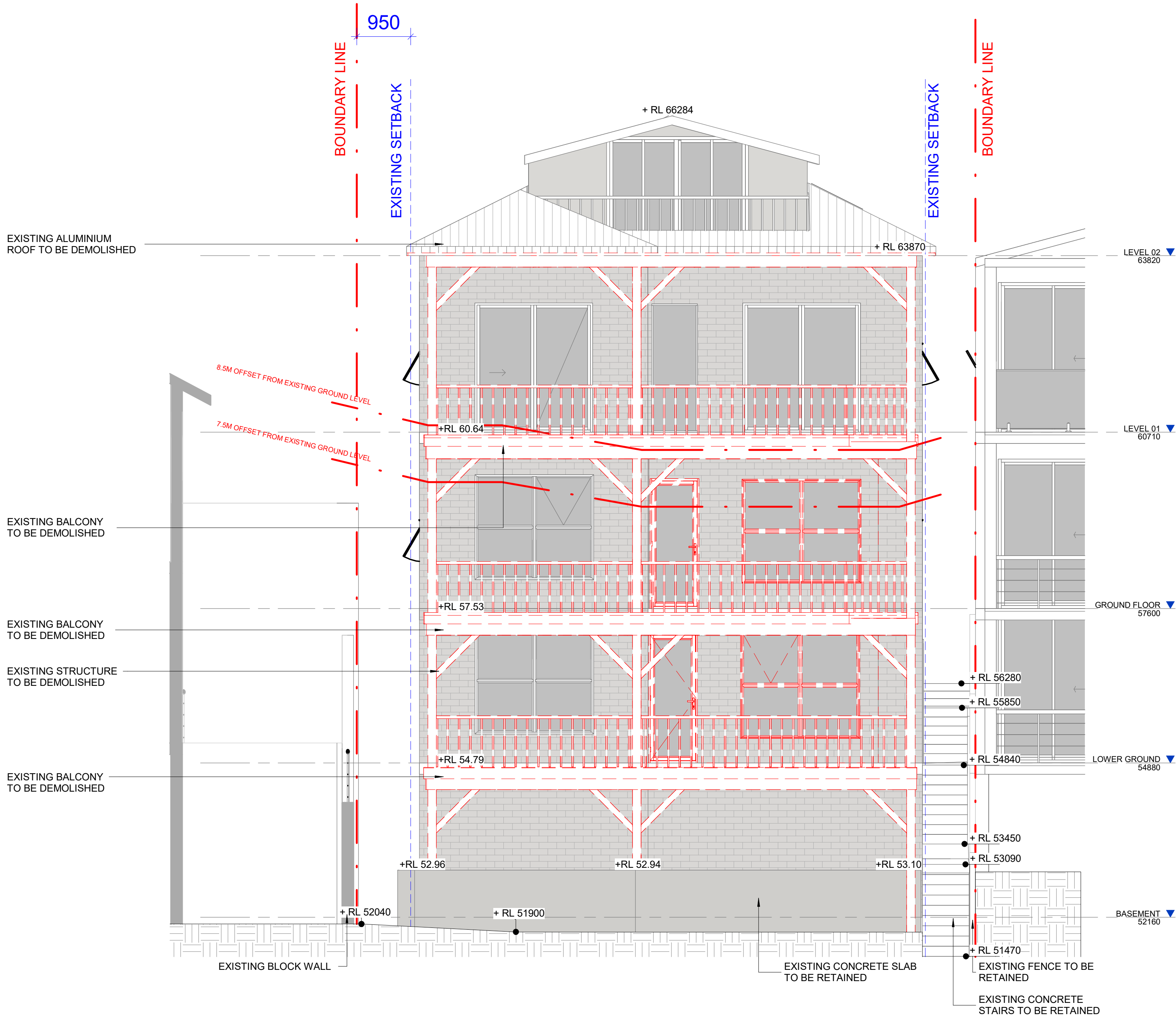
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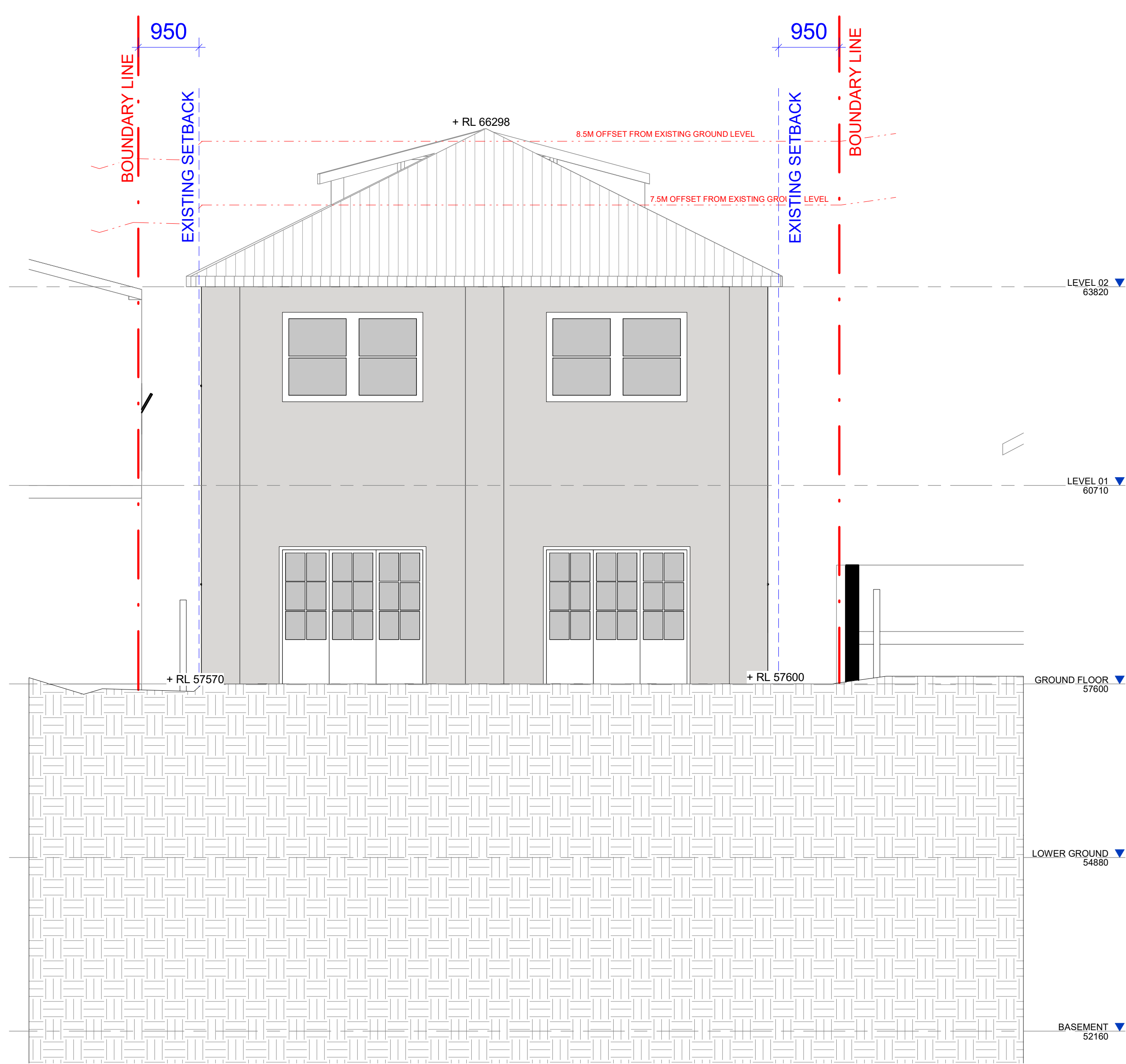
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DEMO EAST ELEVATION

1 : 50



DEMO WEST ELEVATION

1 : 50

COMPLYING DEVELOPMENT CERTIFICATE

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PROJECT:
#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
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& WEST
SHEET NUMBER:
0205
DATE: 05/06/2025

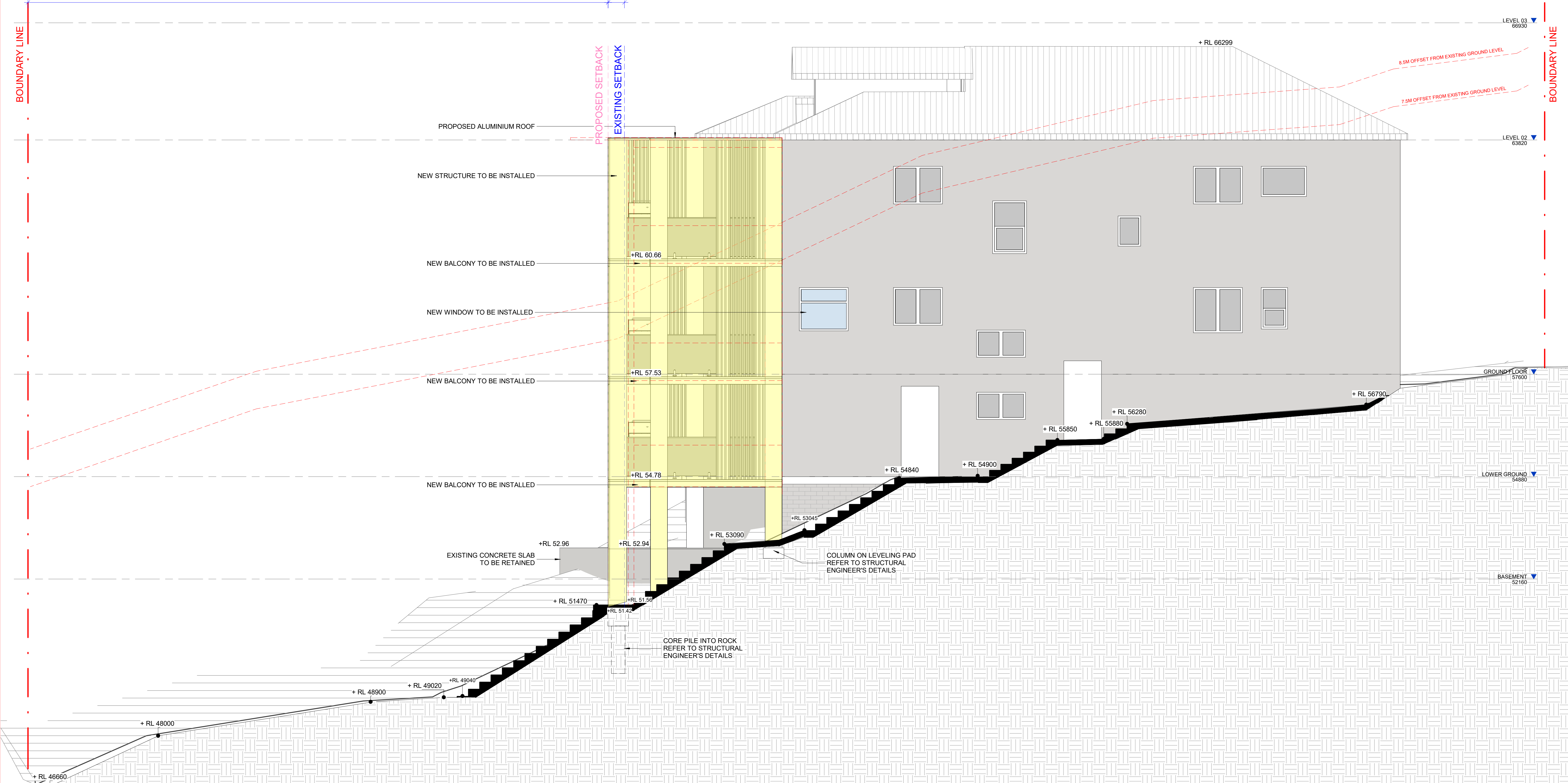
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15400

434



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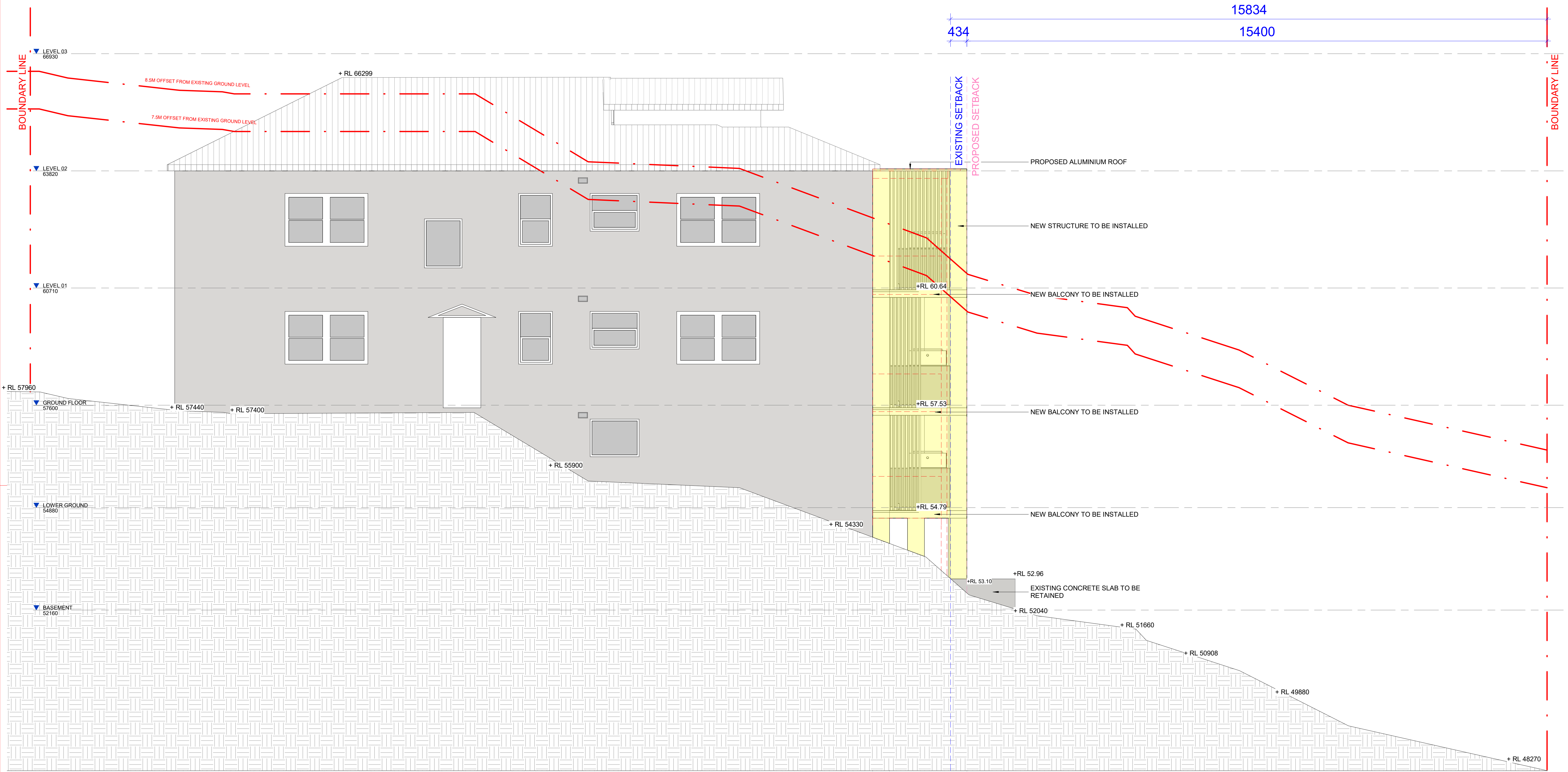
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PROJECT:
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2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
PROPOSED ELEVATION
NORTH
SHEET NUMBER:
0206
DATE: 05/06/2025

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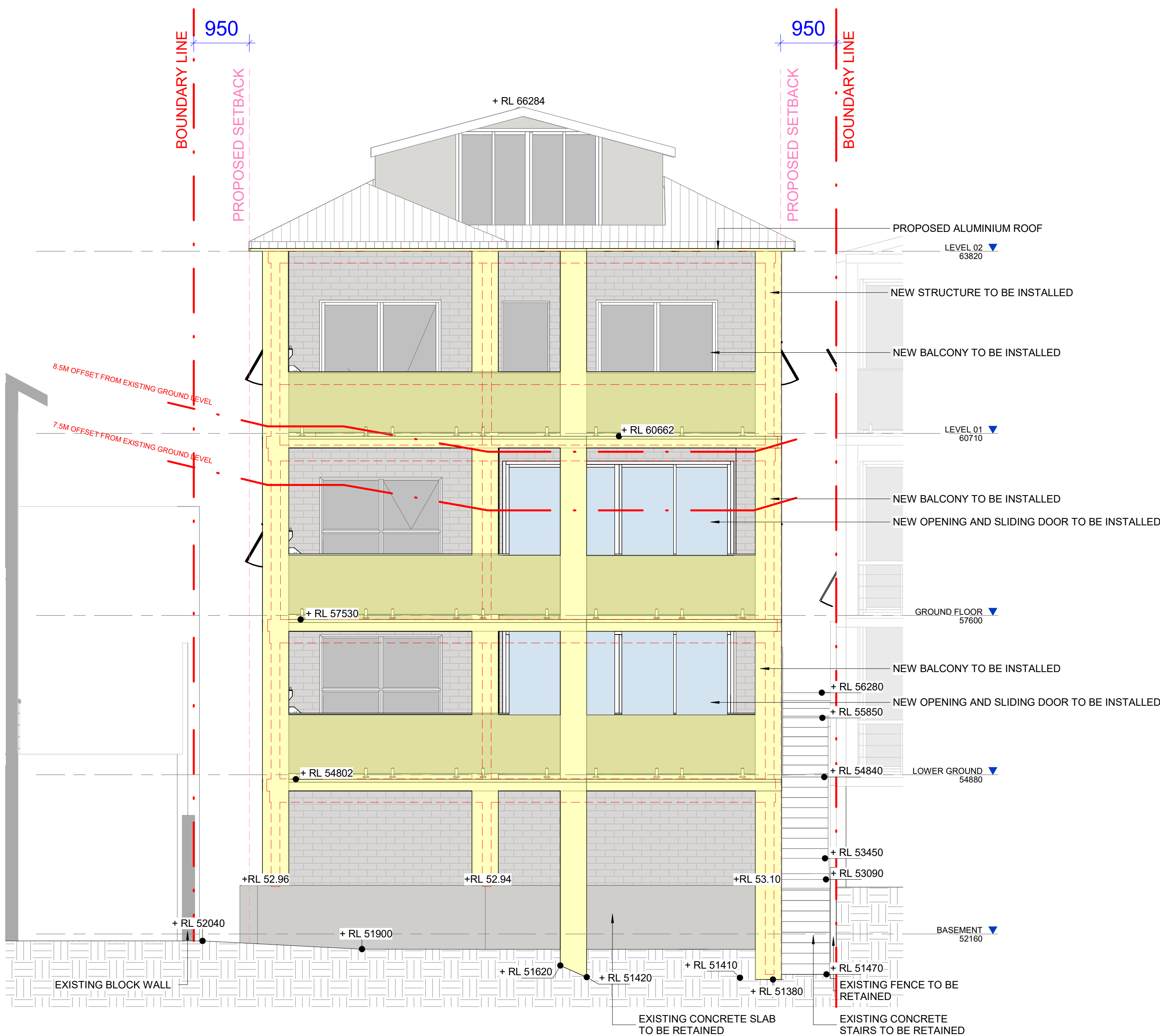
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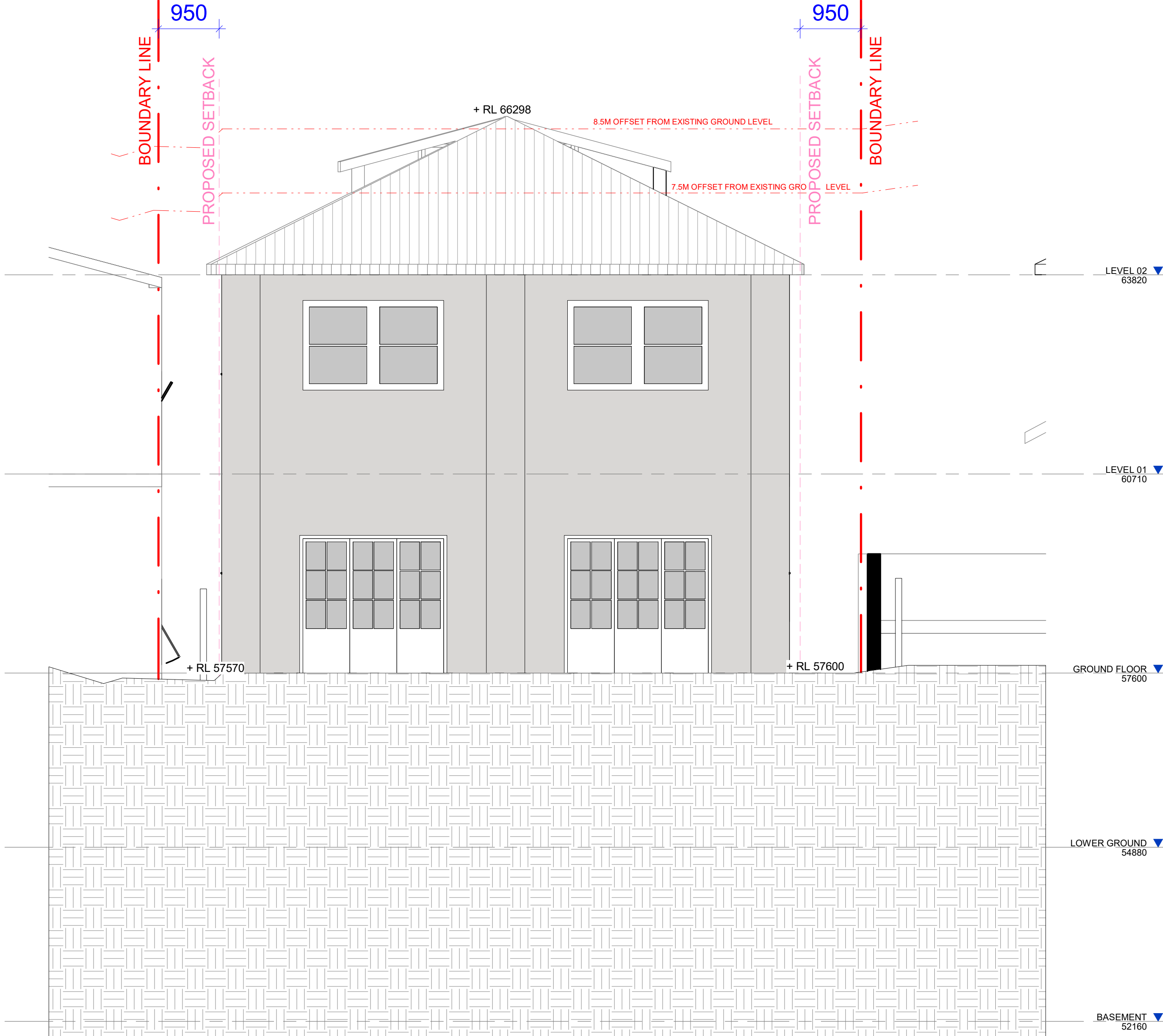
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1 : 50



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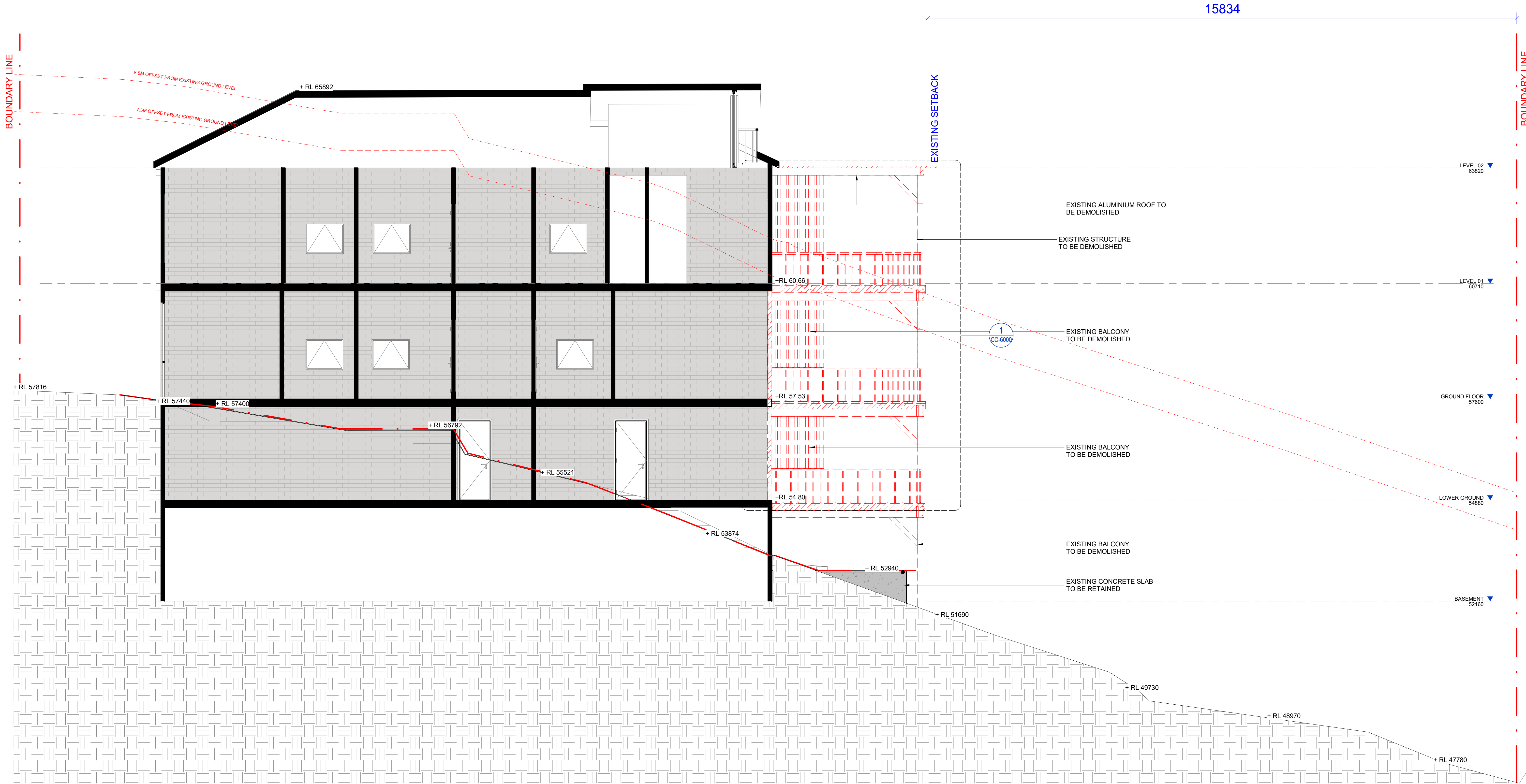
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CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
PROPOSED ELEVATION
EAST & WEST
SHEET NUMBER:
0208
DATE: 05/06/2025
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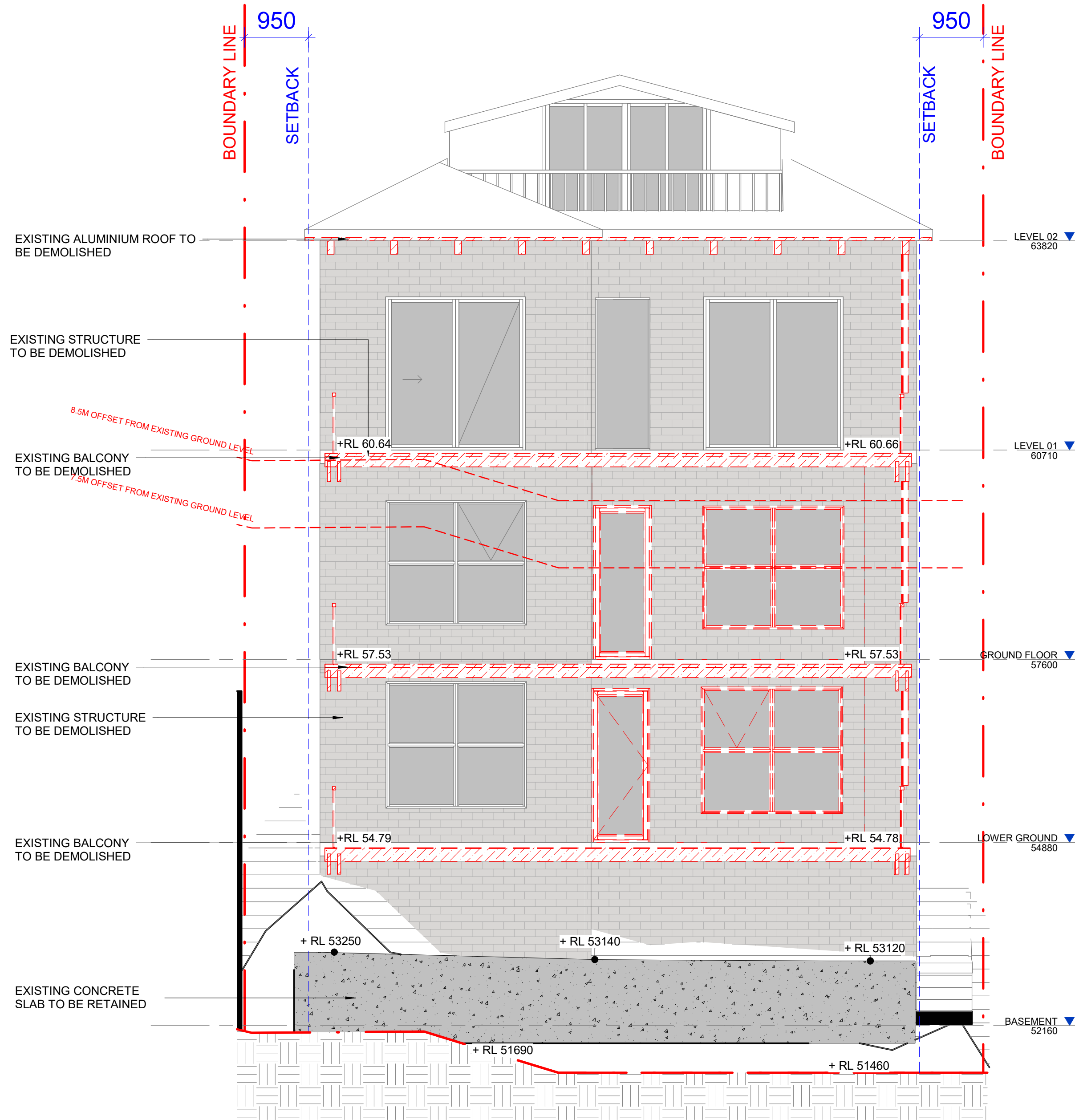
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PROJECT:
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2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
DEMO LONG SECTION
SHEET NUMBER:
0302
DATE: 05/06/2025

REV:
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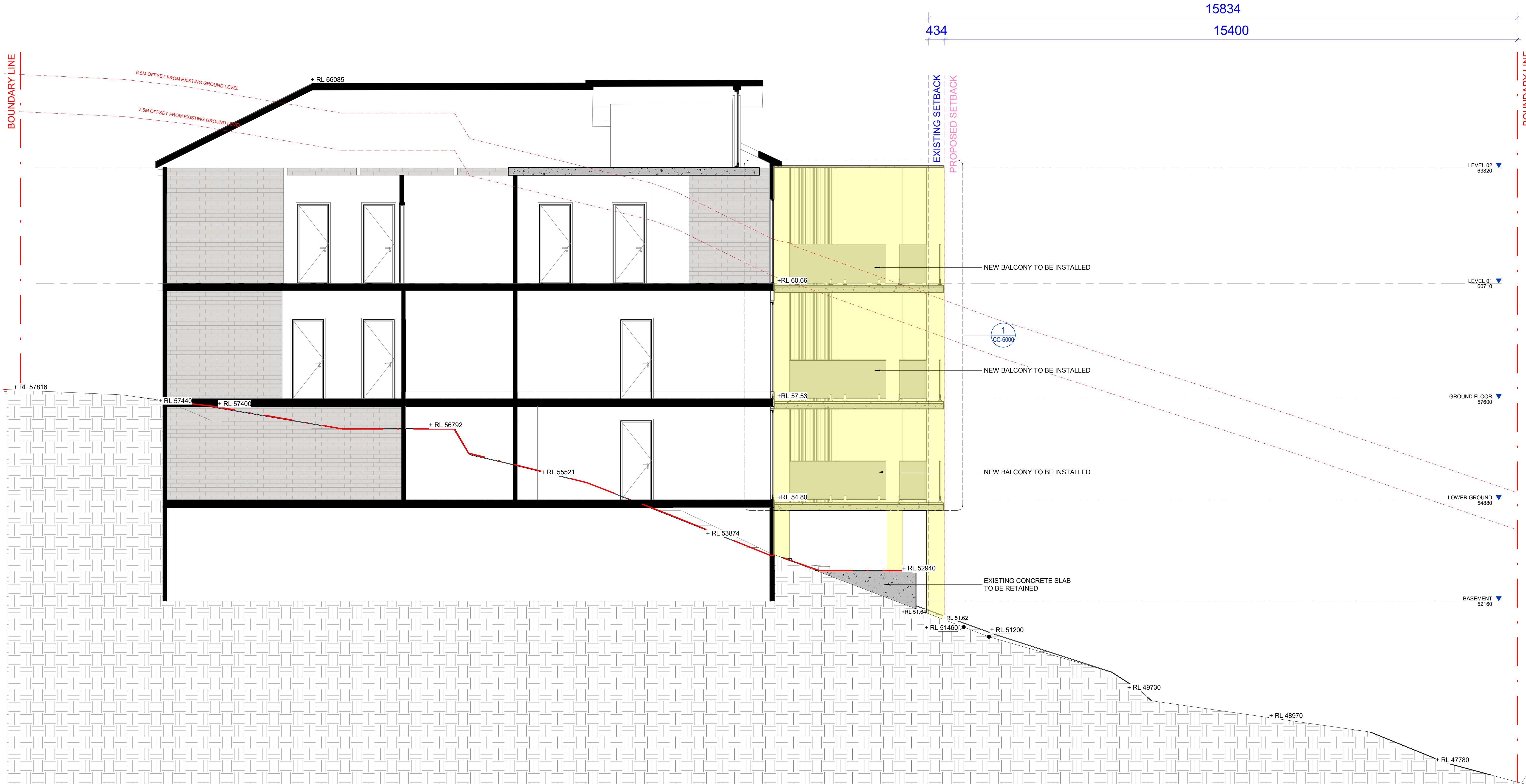
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4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
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SHEET NUMBER:
0303
DATE: 05/06/2025
REV:
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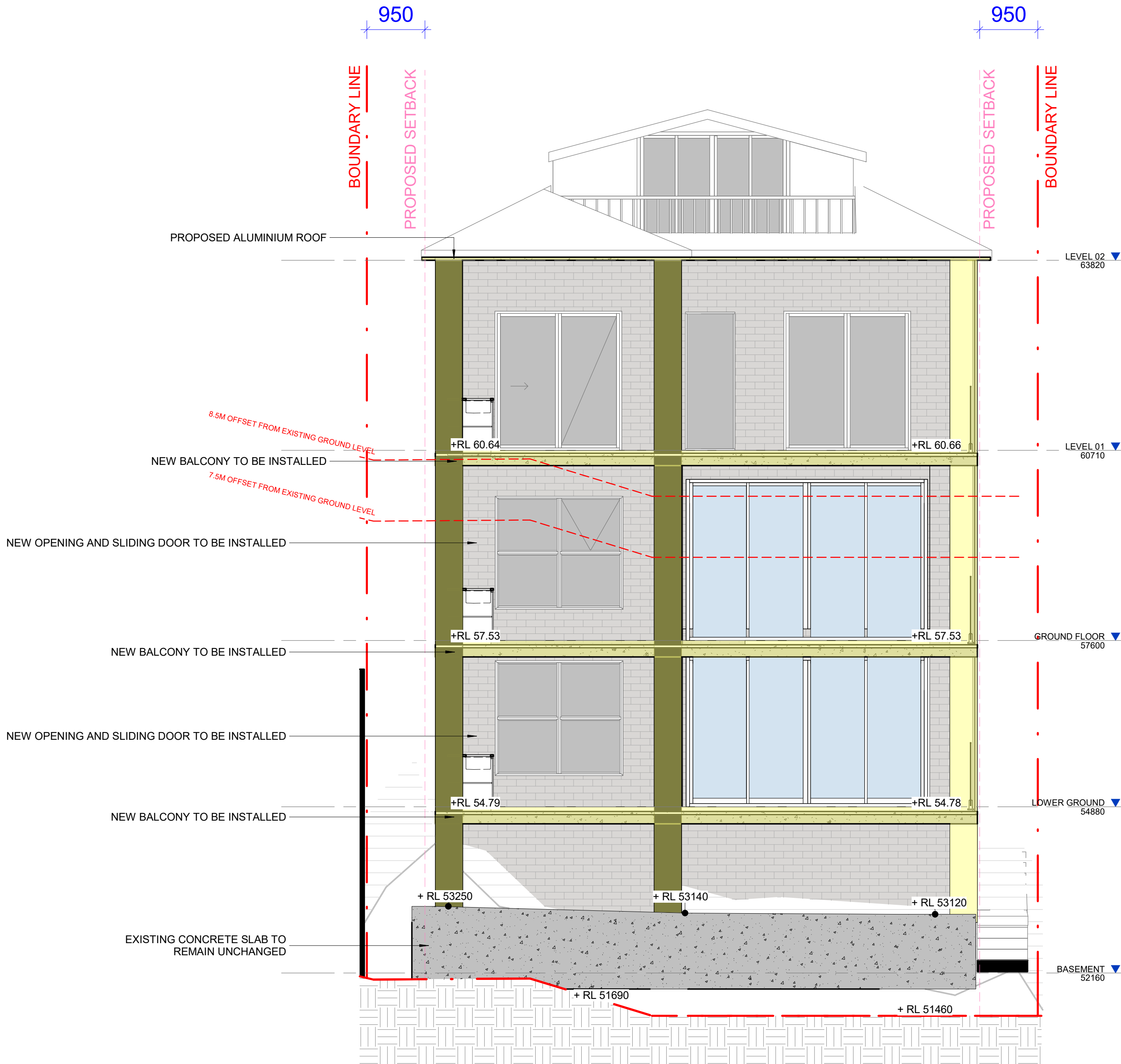
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2024
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DRAWING TITLE:
PROPOSED LONG
SECTION
SHEET NUMBER:
0304
DATE: 05/06/2025

REV:
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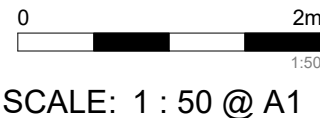
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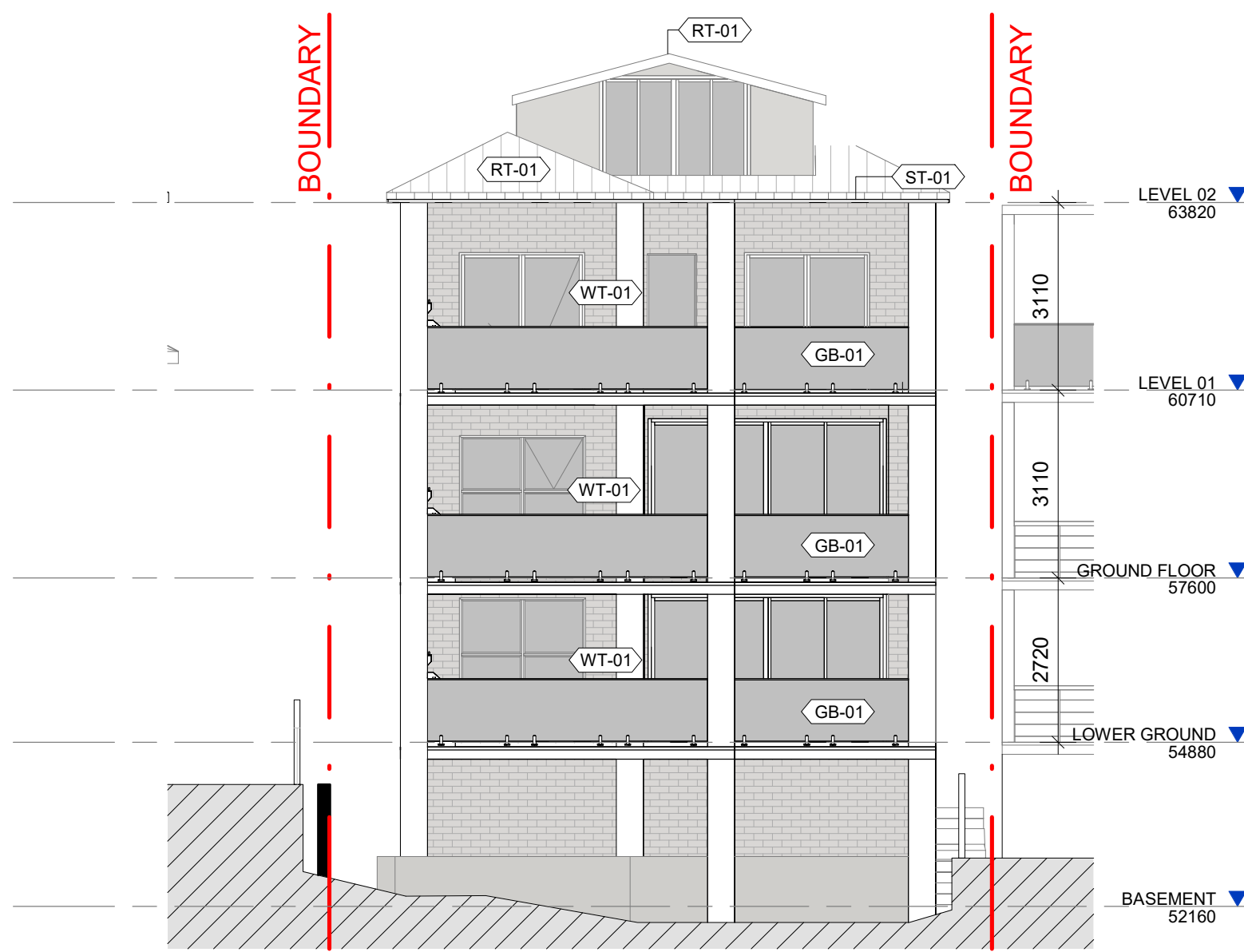
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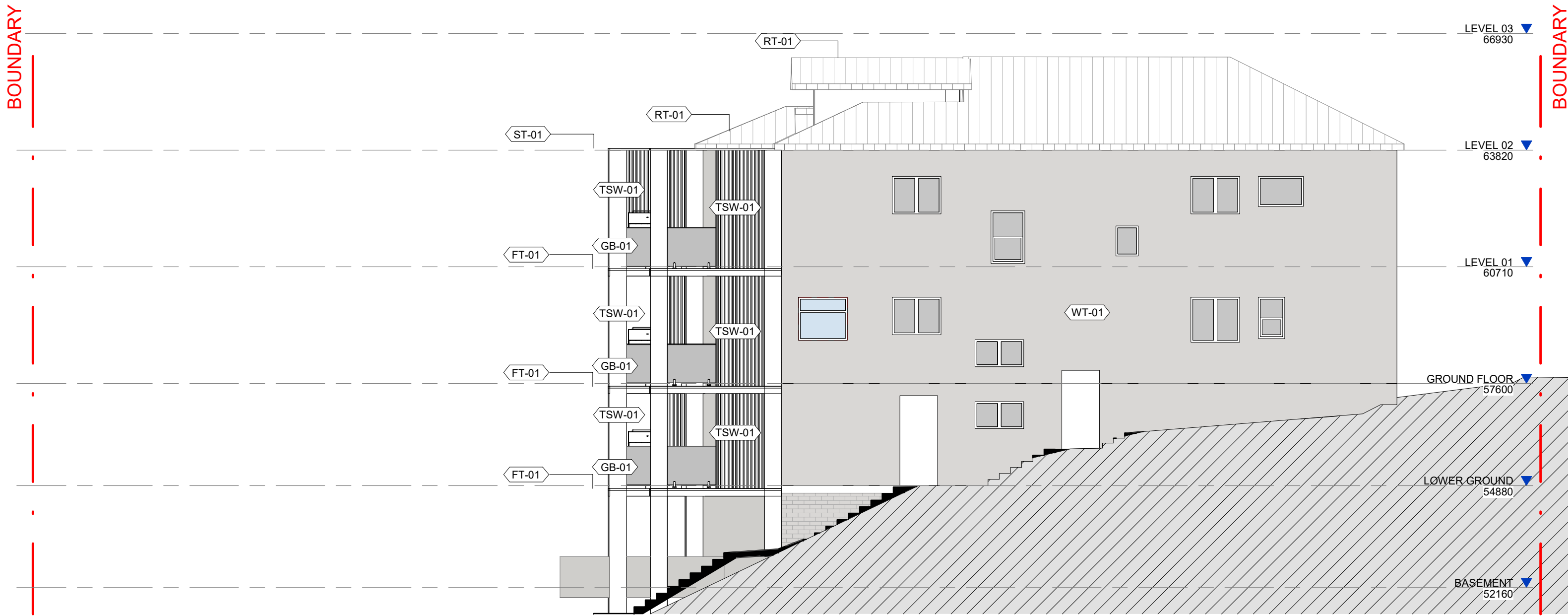
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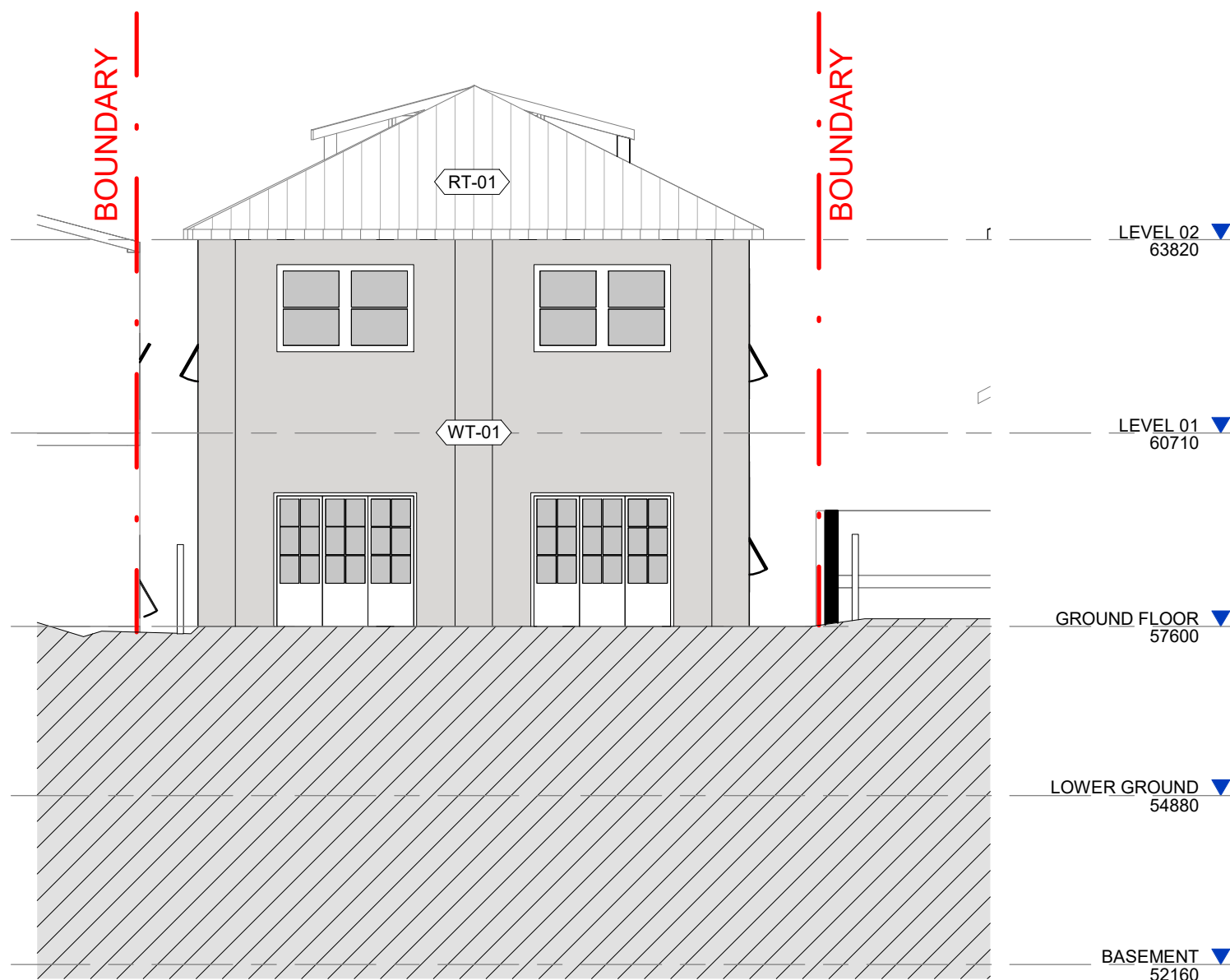
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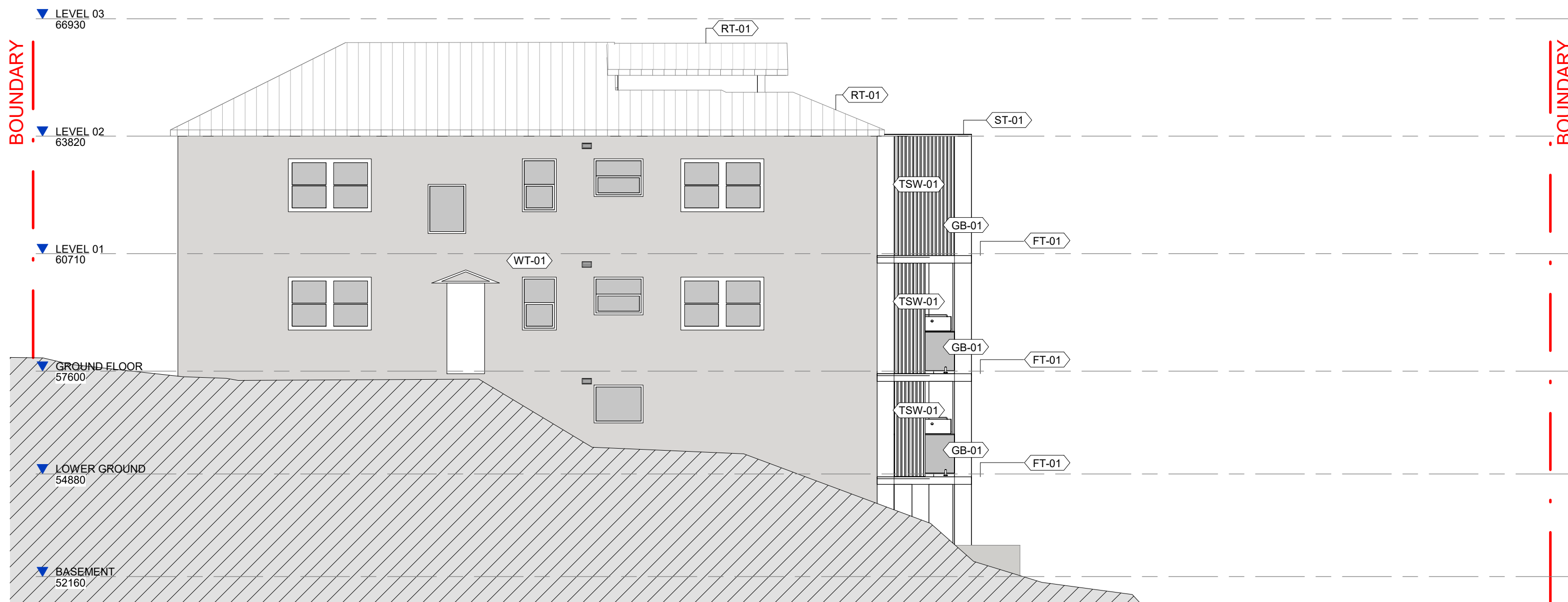
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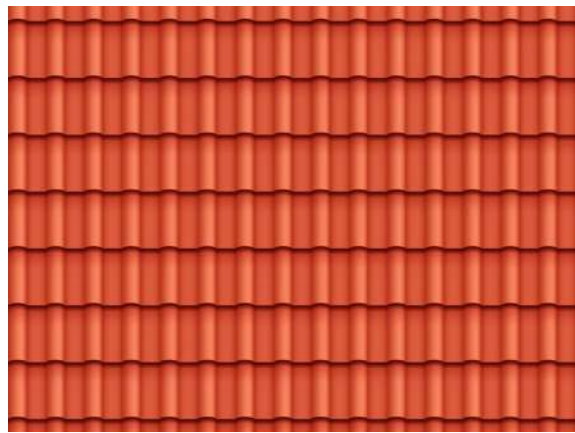


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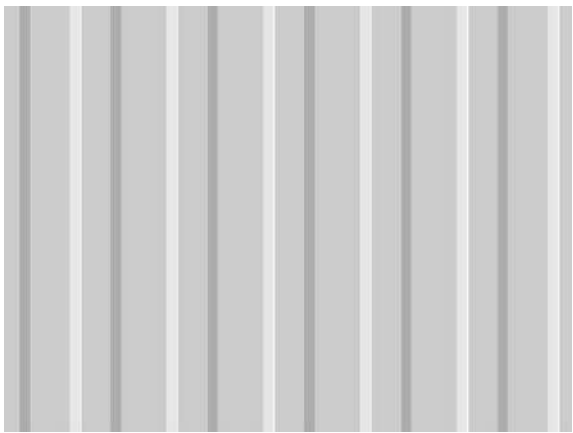
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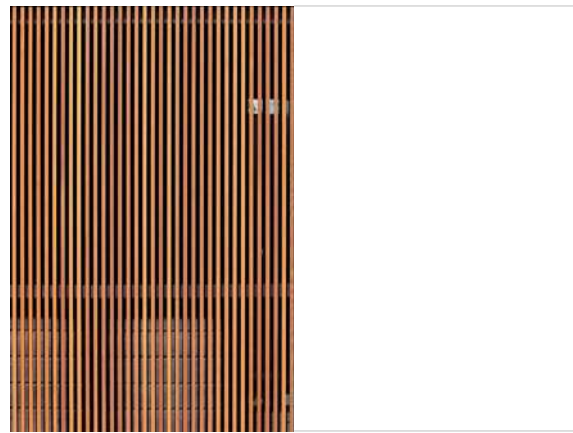
WT-01
EXISTING RENDERED CONCRETE WALL



RT-01
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ST-01
PROPOSED LIGHT GREY CORRUGATED
IRON ROOF



TSW-01
PROPOSED KNOTWOOD 25 X 50 BATTEN
SCREEN AT 45 DEGREES, TEXTURA
COLOUR WHITE FINISH

FT-01
PROPOSED TILE TO MATCH FIRST FLOOR
EXISTING OR SIMILAR



GB-01
PROPOSED AXIOM METROPOLIS SD11-02
FRAMELESS GLASS BALLUSTRATE

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#2024098
CROSS STREET
4 CROSS STREET, BRONTE, NSW
2024
CLIENT: Caverstock Group Pty Ltd

DRAWING TITLE:
SCHEDULE OF
FINISHES
SHEET NUMBER:
0500
DATE: 05/06/2025

REV:
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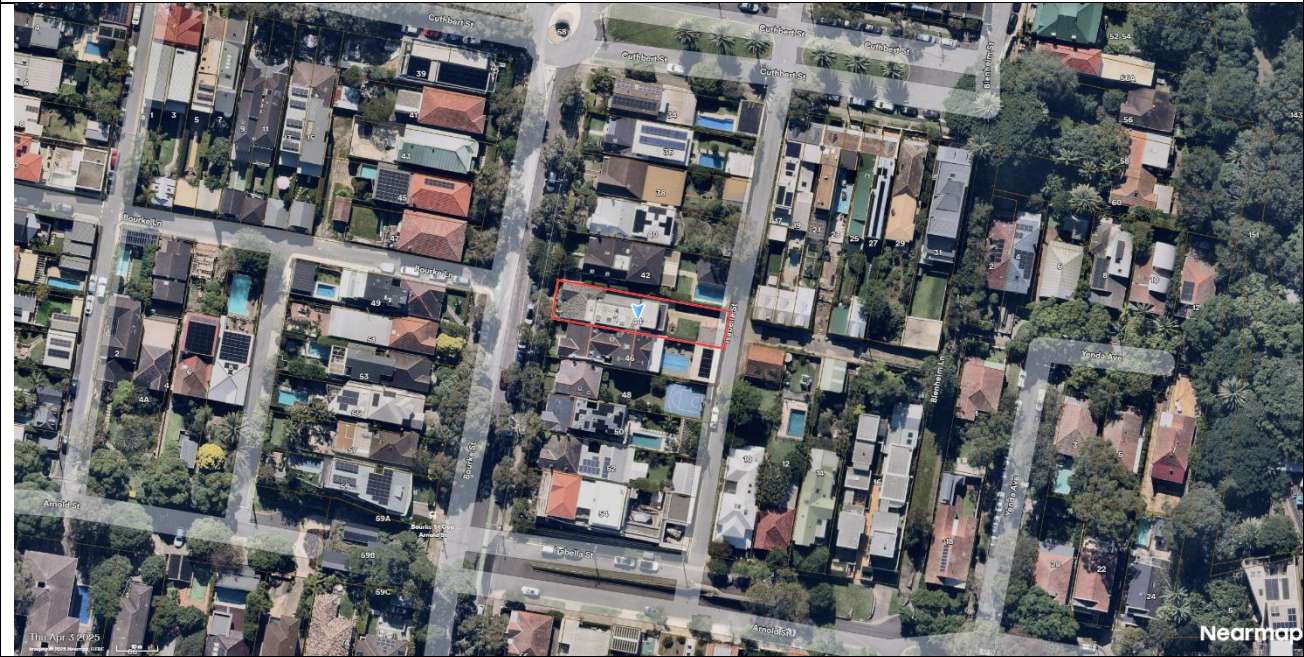
ARCHITECT:
Class 2 Architect
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Report to the Waverley Local Planning Panel

Application number	DA-667/2024
Site address	44 Bourke Street, Queens Park
Proposal	Alterations and additions to the existing dwelling, conversion of the swimming pool to a basement wine cellar, a new vehicle crossing, garage and first floor secondary dwelling above
Date of lodgement	9 January 2025
Owner	Mr K L Willaims and Ms C J Dovey
Applicant	Mr K L Williams
Submissions	One submission
Cost of works	\$ 863,499.00
Principal Issue	Non-compliance with the minimum site area requirements and number of parking space requirements for secondary dwellings under <i>State Environmental Planning Policy (Housing) 2021</i>
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling, conversion of the swimming pool to a basement wine cellar, a new vehicle crossing, garage and first floor secondary dwelling above, at the site known as 44 Bourke Street, Queens Park.

The principal issue arising from the assessment of the application is non-compliance with the minimum site area and parking requirements for secondary dwellings under *State Environmental Planning Policy (Housing) 2021* (SEPP (Housing) 2021). The assessment finds these issues acceptable because the non-compliance with the minimum site area and the provision of an additional parking space will not result in the site being unsuitable to accommodate the primary dwelling as well as the secondary dwelling and will not result in any environmental planning impacts. The proposal complies with the built form controls, including the maximum height, floor space ratio (FSR) and landscaping controls and the proposal will not result in adverse amenity impacts on neighbouring properties and is acceptable subject to the recommended conditions of consent.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 19 February 2025.

The site is identified as Lot 100 in DP 1112427, known as No. 44 Bourke Street, Queens Park.

The site is rectangular in shape with a frontage of 73.07m to Bourke Street. It has an area of 400.2m² and is generally flat.

The site is occupied by a two storey attached dwelling with vehicular access provided from Isabella Street located at the rear.

The site is adjoined by a two storey attached dwelling to the south, No. 46 Bourke Street and a two storey detached dwelling to the north, No. 42 Bourke Street. The locality is characterised by a variety of low density residential developments.

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



Figure 1: Subject site frontage, facing east



Figure 2: Swimming pool in rear yard, facing east



Figure 3: Rear façade of the dwelling, facing west



Figure 4: Garage at rear fronting Isabella Street, facing south west



Figure 5: Neighbouring property to the north, No. 42 Bourke Street, facing east



Figure 6: Neighbouring property to the south, No. 46 Bourke Street, facing east

1.3. Relevant Development History

A search of Council's records revealed there has been no applications on the site in the past ten years.

1.4. Proposal

The development application seeks consent for minor alterations and additions to the existing dwelling and a new secondary dwelling at the rear, including:

- Main dwelling works:
 - Reconfiguration of the ground floor level bathroom to accommodate a lift to the first floor level attic;
 - New joinery to study 1;
 - Minor reconfiguration of ground floor laundry / water closet (WC);
- Rear yard works:
 - Demolition of pool slab and excavation to achieve a level floor;
 - Removal of pool fencing;
 - Demolition of the northern boundary garden wall, eastern boundary wall and pavers at the rear of the dwelling;
 - Construction of basement wine cellar in the location of the existing pool;
- Garage/secondary dwelling works:
 - Demolition of the existing garage;
 - Construction of a new double garage with car parking for two vehicles, storage, internal stairs and kitchenette to service the secondary dwelling above;
 - New vehicle crossing to Isabella Street;
 - New secondary dwelling above the garage including a bedroom, bathroom, internal stairs and landscaped planter boxes.

1.5. Background

The development application was lodged on 9 January 2025 and deferred on 16 April 2025 for the following reasons (summarised):

1. Secondary dwelling

The proposed secondary dwelling includes a kitchen at the garage level and a bedroom with ensuite and northern side facing balcony at the first floor level. Whilst Council appreciates the design resolution of the secondary dwelling, concern is raised with the configuration of the balcony. The neighbouring property to the north comprises a swimming pool along its southern side boundary and the location of a side facing balcony is likely to give rise to unreasonable privacy impacts.

Part C1, Section 1.14 of the Waverley Development Control Plan 2022 includes a number of prescriptive controls for dual frontage and laneway studio development. The proposal departs from these controls, with respect to the maximum external wall height, overall height and privacy treatments. The departure from the Waverley DCP 2022 with respect to height is acceptable subject to the balcony privacy matter being resolved.

The following recommendations are made:

- (a) *Consider options to reconfigure the balcony to predominantly face Isabella Street to reduce the extent of overlooking and potential privacy impacts.*
- (b) *Continue to incorporate landscape planters as currently proposed to soften interface between the proposed studio and neighbouring properties.*

2. Heritage works

Council's Heritage Advisor reviewed the application and noted that the proposal is a well-considered response to the scale of the residence and neighbouring residences in the setting.

The following recommendations are made:

- (a) *To maintain the aesthetic qualities and significance of the Conservation Area it is recommended that a schedule of maintenance/ conservation works to the remaining original fabric and form is provided.*

The amended plans included removal of the north facing balcony and replacement with a landscaped planter. A maintenance schedule of the works to the dwelling has been provided in accordance with the request. The amended plans and additional documentation received on 5 May 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for SEPP (Housing) 2021 as follows:

SEPP (Housing) 2021

The following clauses of SEPP (Housing) 2021 applies to the subject development application:

Chapter 3 Diverse Housing - Division 2 Secondary dwellings permitted with consent.

53. *Non-discretionary development standards - the Act, s 4.15*

(1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

Note –

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development is not complied with.

(2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*

(a) *for a detached secondary dwelling—a minimum site area of 450m²,*

(b) *the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.*

The subject site has an area of 400.2m². The application contravenes the minimum site requirement of 450m² for detached secondary dwellings by 49.8m² or 11%. The proposal also seeks to increase parking on the site by one additional space, increasing the number of parking spaces from one to two, contrary to the development standard.

Pursuant to Clause 4.6 of the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012), Clause 4.6 Written Requests to vary Clause 53 (2)(a) and (b) non-discretionary development standard prescribed under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of SEPP (Housing) 2021 were submitted with the application. This is discussed in detail below.

The application proposes to increase the number of parking spaces from one space to two spaces, which complies with parking rates prescribed under the *Waverley Development Control Plan 2022* (Waverley DCP 2022). This is considered in further detail below.

2.1.2. Waverley Local Environmental Plan 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table	Yes	The proposal is defined as alterations and additions and a new secondary dwelling,

Provision	Compliance	Comment
<i>R2 Low Density Residential Zone</i>		which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal does not seek to alter the height of the main dwelling. The new garage /secondary dwelling has a maximum height of 6.8m, measured from existing ground level to the ridge at the southern end of the new structure where the site falls to the south.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (FSR) <ul style="list-style-type: none"> 0.66:1 (266.04m²) 	Yes	The proposal has a total gross floor area of 257.8m ² and an FSR of 0.64:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by separate written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary Clause 53(2)(a) and (b) non-discretionary development standards under Chapter 3 Diverse Housing 2 Division 2 Secondary dwellings under SEPP (Housing) 2021. A detailed discussion of the variations to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.4 Controls relating to miscellaneous permissible uses <i>If development for the purposes of a secondary dwelling is permitted under this Plan ... the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—</i> <i>(a) 60 square metres,</i> <i>(b) 30% of the total floor area of the principal dwelling.</i>	Yes	The proposed secondary dwelling has a maximum GFA of 33.13m ² , including the area of the kitchenette at garage level and the first floor secondary dwelling.
5.10 Heritage conservation	Yes	The site is located within the Queens Park Conservation Area. Council's Heritage Advisor reviewed the application and recommended that a schedule of maintenance/ conservation works to the remaining original fabric and form is provided in conjunction with the proposed works. The applicant provided this detail, and a condition of consent is recommended to require the works and future maintenance to be undertaken in accordance with the schedule.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the minimum site area requirements under Clause 53(2)(a) and (b) of the non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021.

Under Clause 53(2)(a) of SEPP (Housing) 2021 the site is subject to a minimum site area of 450m² as prescribed for a detached secondary dwelling. The subject site has an area of 400.2m², contravening the development standard by 49.8m², equating to a 11% variation.

In addition, under Clause 53(2)(b) of SEPP (Housing) 2021 the proposed number of parking spaces must be the same as the number of parking spaces provide prior to the development being carried out. The proposal seeks to increase parking from one space to two spaces, contrary to the development standard.

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 the non-discretionary development standards 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 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 minimum site area and number of parking spaces development standards under Clause 53(2)(a) and (b) of SEPP (Housing) 2021 on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposed development provides an alternate housing type that increases housing diversity and can be separately rented.*
 - (ii) *The proposed secondary dwelling offers a smaller and more affordable rental option for the community within an established residential area.*

- (iii) *The proposed secondary dwelling offers a high level of residential living amenity with good access to light, privacy, ventilation and access, on a site that achieves suitable landscaping requirements.*
 - (iv) *The proposed secondary dwelling is suitably located within an existing residential area where all necessary services and infrastructure are available.*
 - (v) *The proposal considers climate and environmental impacts through thoughtful design that provides appropriate orientation, light and ventilation for the residents and reducing the requirement for heating and cooling. Additionally, the secondary dwelling is able to achieve BASIX certification.*
 - (vi) *The proposed secondary dwelling offers an appropriate bulk, scale and character that is compatible with the immediate context and the character of the overall locality. The proposed development is considered to generate positive impacts for the streetscape with no adverse environmental or amenity impacts expected.*
 - (vii) *The proposal provides a secondary dwelling, providing additional affordable rental housing in the residential area.*
- (b) That there are sufficient environmental planning grounds to justify contravening the minimum site area standard:
- (i) *The Waverley LEP and the Waverley DCP, do not include a minimum lot size for secondary dwellings and secondary dwelling should be considered on merit relative to the site area;*
 - (ii) *The shortfall is negligible and is not considered to result in the site being unsuitable to accommodate the primary dwelling and the secondary dwelling);*
 - (iii) *The site and the surrounding locality can support the proposed secondary dwelling, and the proposal complies with key built form controls such as maximum building height, FSR and landscaping standards. The proposal does not result in an overdevelopment of the site and does not result in adverse amenity impacts for adjoining neighbours;*
 - (iv) *The proposed secondary dwelling is considered to achieve the broader principles and intent of the SEPP (Housing) 2021....*
 - (v) *The proposed development provides for sufficient amenity and is compliant with the parking, minimum private open space area, minimum floor to ceiling heights, minimum landscaped area, solar access controls included within the Waverley DCP 2012...*
 - (vi) *The proposal is not considered to result in any significantly adverse environmental impacts to surrounding properties such as significant view loss, loss of visual or acoustic privacy, visual impact or overshadowing to primary living area windows or private open space areas in midwinter.*
 - (vii) *The proposal upholds the objective of the R2 Low density residential land use zone.*

With respect to the additional parking space, that there are sufficient environmental planning grounds to justify contravening the standard:

- (viii) *The number of parking spaces control is a non-discretionary development standard.... preventing the consent authority from requiring more onerous parking rate standards for*

secondary dwellings. In this case, the Waverley DCP 2012, includes a maximum parking rate of two (2) parking spaces per development site. The existing comprises one parking and the proposal includes a total of two parking spaces to be provided in compliance with the maximum parking rate of the Waverley DCP 2012. The proposed development provides for sufficient amenity and is compliant with the parking, minimum private open space area, minimum floor to ceiling heights, minimum landscaped area, solar access controls included within the Waverley DCP 2012.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standards to be varied and has applied the relevant legislation under the SEPP (Housing) 2021 correctly. The document also addresses those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The minimum site area and number of parking space development standards do not have any objectives, and therefore the applicant has instead demonstrated that the principles of SEPP (Housing) 2021 policy are met notwithstanding the non-compliance.

The proposal provides an alternate housing type on an existing a residential lot, contributing to housing stock and providing an affordable rental option. The secondary dwelling offers good amenity for future occupants and ensures preservation of neighbouring amenity through design amendments to remove the trafficable side facing balcony and increase the provision of landscaped planters. The proposal offers

an alternate architectural form in the streetscape, whilst maintaining compatibility with the immediate context and streetscape character, through the provision of high-quality materials and finishes.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has demonstrated that the minor shortfall in site area and the additional parking space proposed to service the secondary dwelling, will not result in the site being unsuitable to accommodate the primary dwelling as well as the secondary dwelling. The proposal complies with the built form controls, including the maximum height, FSR, parking and landscaping controls under the Waverley LEP 2012 and the Waverley DCP 2022. The proposal will not result in adverse amenity impacts on neighbouring properties and is appropriate. The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

The written request provided by the applicant to vary the minimum site area requirement under Clause 53(2)(a) and (b) of the non-discretionary development standard prescribed under Chapter 3 Diverse Housing - Division 2 Secondary Dwellings under SEPP (Housing) 2021 has adequately Clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	The proposal includes appropriate bin storage within the new garage.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	<p>A BASIX and NatHERS Certificate were submitted with the application, setting out energy efficiency and water conservation targets as required under the SEPP.</p> <p>The proposal incorporates passive design, providing openings to the northern and eastern facades with good cross ventilation and solar penetration.</p> <p>A condition of consent is included in the recommendation stating that gas should not be used for cooktops, ovens and heating and for</p>

Development Control	Compliance	Comment
		ceiling or wall mounted fans to be provided in all habitable rooms.
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
6. Accessibility and Adaptability	Yes	Satisfactory
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <ul style="list-style-type: none"> • ≤ 2 Bedrooms – 0 to 1 • ≥ 3 Bedrooms – 0 to 2 	Yes	<p>The off-street parking is acceptable and is provided from the site's secondary frontage to the rear.</p> <p>The subject site is located within Parking Zone 2.</p> <p>The proposal includes two separate vehicle crossings, including the existing crossing to the current garage and a new crossing to the new garage structure. The existing driveway and proposed new crossing are both 3.2m wide. The requirement is 3m, however the minor non-compliance is acceptable in this case as it is providing access to and from a laneway. A separate application is required for the new crossing, which is included in the recommended conditions of consent.</p> <p>The proposal includes increasing on site car parking from one space to two spaces., which complies with the maximum number of spaces permitted.</p>
8. Heritage	Yes	The works are compatible with the conservation area and neighbouring developments. The proposal will complement the existing dwelling and its contribution to the conservation area.
11. Design Excellence	Yes	The alterations and additions are complementary to the existing dwelling and conservation area. The new garage and secondary dwelling include face brick original to the residence and surrounds. The setback of the first floor also serves to mitigate the bulk of the construction compared to other garage/studio developments in the setting. The proposal is a well-considered response to the scale of the existing dwelling and others in the vicinity and is considered to achieve design excellence.
13. Excavation	Yes	The proposal includes minor excavation to accommodate the new slab within the wine cellar, in place of the existing swimming pool. A Geotechnical Report was submitted with the application and a condition of consent is recommended to require the works to be

Development Control	Compliance	Comment
		undertaken in accordance with the recommendations in the report.

Table 33: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> <i>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</i> 	Yes	The amended proposal removed the north facing balcony to the secondary dwelling to address potential overlooking concerns. The north facing windows to the secondary dwelling are operable which will allow cross ventilation and access for maintenance of the landscaped planters. Privacy concerns are considered to be managed.
1.6 Solar access		
<ul style="list-style-type: none"> <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	Yes	The proposal will increase shadowing to the rear yard of the subject site at 9am and there will be a small amount of additional shadowing on the site at midday on 21 June. At 3pm the whole of the rear yard will be in shadow. A minimum of 3 hours of sunlight will be maintained to the living areas and open space on the subject site on 21 June.
	Yes	The new garage and secondary dwelling will result in a small amount of additional overshadowing to the rear yard of No. 46 Bourke Street at 9am on 21 June. A minimum of 3 hours of sunlight will be maintained to the open space of adjoining properties on 21 June.
	Yes	The proposal will not unreasonably overshadow habitable windows or solar collectors on neighbouring properties.
1.7 Views		
<ul style="list-style-type: none"> <i>Views from the public domain are to be maintained</i> <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly</i> 	Yes	<p>Views from the public domain will be maintained under the proposal.</p> <p>There will be no view impacts as a result of the proposal.</p>

Development Control	Compliance	Comment
<i>from habitable rooms and decks.</i>		
1.8 Car parking		
1.8.1 Design Approach <ul style="list-style-type: none"> <i>Parking only allowed where site conditions permit</i> <i>Designed to complement the building and streetscape</i> <i>Car parking structures to be behind the front building line</i> <i>Driveways are to be located to minimise the loss of on street parking</i> <i>Parking to be provided from secondary streets or lanes where possible.</i> 	Yes	The proposal seeks to replace the existing garage with a new garage structure and secondary dwelling above.
	Yes	The design of the garage is complementary to the existing building and streetscape.
	Yes	The garage is located at the rear of the site.
	Yes	The existing driveway will be maintained, and a new vehicle crossing is proposed to the northern side of the rear of the site. The new crossing is acceptable in this instance as no on street parking will be lost as a result.
	Yes	The car parking is accessed via the secondary street frontage, Isabella Street at the rear.
1.8.2 Parking rates	Yes	The proposal provides two car spaces which complies with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location <ul style="list-style-type: none"> <i>Parking to be behind front building line for new dwellings</i> <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i> 	Yes	Parking is proposed at the rear to be accessed via Isabella Street in accordance with the car parking hierarchy control.
1.8.4 Design <ul style="list-style-type: none"> <i>Complement the style, massing and detail of the dwelling</i> <i>Secondary in area and appearance to the design of the residences</i> 	Yes	The rear facing garage is in keeping with the style and massing of the dwelling and is secondary in area
	Yes	The garage is secondary in area and appearance to the design of the main residence.
1.8.5 Dimensions <ul style="list-style-type: none"> <i>5.4m x 2.4m per vehicle</i> 	Yes	The proposal complies with the minimum car parking dimensions.
1.8.6 Driveways <ul style="list-style-type: none"> <i>Maximum of one per property</i> <i>Maximum width of 3m at the gutter (excluding splay)</i> <i>Crossings not permitted where 2 on street spaces are lost</i> 	No, acceptable on merit	The proposal includes two separate driveways to respond to the separated vehicular access provided to the garage. Council's Traffic Engineer reviewed the proposal and noted that two driveways are acceptable in this instance as they are to the rear of the property and there will be no loss of on-street parking as a result.

Development Control	Compliance	Comment
		The proposed driveway widths are 3.2m. This would usually be required to be a maximum width 3m. However, the proposed width is acceptable in this case as it is providing access to and from a laneway.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area (160m²) Overall landscaped area: 20% of site area (80m²), with at least half deep soil (40m²) Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal provides approximately 175.6m² open space, 80m² of landscaped area and 40m² of deep soil.</p> <p>The site provides in excess of 25m² of private open space.</p> <p>The front setback open space and landscaped area will be unaltered under the proposal. The site comprises ample space in the rear yard and northern side setback to accommodate outdoor clothes drying.</p> <p>A condition of consent is recommended to require a landscape plan to be submitted detailing the species selection for the extensive landscape planters to ensure the species are appropriate for elevated planter boxes.</p>
1.14 Dual Frontage Development		
1.14.1 General Controls <ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street Privacy treatments to be provided for first floors above garages Pedestrian pass door provided for single width garage doors Garage studios and rear lane garage develops are to be provided with landscaping 	Yes	<p>The primary frontage to Bourke Street and secondary frontage to Isabella Street are clearly defined. The new development to the rear comprises a new double garage with two doors separated by a pedestrian access door to Isabella Street.</p> <p>A pedestrian pass door is proposed between the new garage doors.</p> <p>The secondary dwelling comprises north facing operable doors and a large layered landscaped planter, which will assist in obscuring views of the northern neighbour's property. A window is proposed on eastern elevation facing Isabella Street. The window is not anticipated to give rise to privacy concerns.</p> <p>The secondary dwelling includes landscaped planters around the majority of the perimeter, softening the presentation of the structure from the streetscape and adjoining properties.</p>
1.14.2 - Laneway Design Provisions	N/A	The proposal exceeds the overall height control by a maximum of 800mm.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum external wall height of 3.6m Maximum overall height of 6m to the roof ridge Pitched roof form required Landscape character of the lane maintained 	<p>No, acceptable on merit</p> <p>Yes</p>	See below the table for further discussion.
1.14.3 Development in Heritage Conservation areas <ul style="list-style-type: none"> Single width garages or double with central divide Roof pitch and modulation to reflect the form of the area Finishes and proportions to match the traditional construction in the area Window proportions to match the area Overlooking to be mitigated 	<p>Yes</p> <p>Appropriate on merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The double garage includes a central divide for the pedestrian pass door.</p> <p>The roof has arched pitch, which differs from the typical pitched roof forms in the area however the proposal adds visual interest and is of a high architectural quality and is therefore supported in this instance.</p> <p>Materials, finishes and window proportions are consistent with the traditional construction in the area.</p> <p>Overlooking has been mitigated by removal of the north facing trafficable balcony and inclusion of landscaped planters.</p>
1.16 Secondary dwellings and ancillary buildings		
1.16.1 - Secondary dwellings <ul style="list-style-type: none"> Comply with clause 5.4(9) of Waverley LEP 2012 Read as a secondary structure 	Yes	<p>The proposal complies with clause 5.4(9) of the Waverley LEP 2012.</p> <p>The structure reads as secondary to the principal dwelling. The secondary dwelling has been set in from the sides of the garage below providing articulation and softening of the upper level form.</p>

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

Laneway Design Provisions

The proposal has a maximum overall height of 6.8m, exceeding the laneway design provision height control by 800mm. The proposal includes an arched roof form and therefore does not comply with the external wall height control, which is based on a standard pitched roof with a gable or hipped form. The controls also require a pitched roof form for studio or secondary dwellings above garages.

The proposal includes a distinctive architectural form, that differs from other laneway developments in the vicinity. Notwithstanding, Council is of the view that the design is of a high quality and provides visual

interest to the streetscape, including appropriate materials and finishes. The departure from the customary architectural form for laneway studios above garages is supported as the proposal responds well to the context and setting and maintains an appropriate relationship the other development in the streetscape.

A condition of consent is recommended to require a landscape plan to be submitted detailing the species and maintenance regime to ensure the species selection are appropriate for the elevated planter boxes.

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 a minimum of 14 days between 21 January and 10 February 2025 in accordance with the *Community Engagement Strategy 2023*.

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 north facing balcony was deleted from the plans to address potential privacy concerns in accordance with Council's deferral letter amendment request.
- A detailed schedule of maintenance and conservation works to the remaining original fabric and form has been provided to Council's satisfaction.

One unique submission was received from No. 54 Bourke Street, Queens Park.

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

- The proposal is two storey garage and exceeds the maximum height for laneway development.
- The proposal is bulky and would detract from this part of Queens Park.

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

Issue: The studio entrance to the rear lane indicates it may be used for short term rental.

Response: The planning controls permit rear lane studio development in the form of secondary dwellings. Council does not have the remit to prohibit the use of the studio for rental purposes.

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 referral comments were sought:

3.1. Traffic and Development

The application was referred to Council's Traffic Engineer. An existing power pole is located adjacent to the rear of the site. The pole may require relocation in consultation with Ausgrid ahead of application to Council for the new vehicle crossing. This is included as an advisory note. No other objections were raised subject to the recommended conditions of consent included at Appendix A.

3.2. Stormwater

The application was referred to Council's Stormwater Engineer. No objections were raised subject to the recommended conditions of consent included at Appendix A.

3.3. Heritage

The application was referred to Council's Heritage Advisor. No objections were raised subject to the recommended conditions of consent included at Appendix A.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL



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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 1 April 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, and Jo Zancanaro*

Report prepared by:	Application reviewed and agreed by:
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Alana Jelfs	David Knight
Senior Development Assessment Planner	Acting Manager, Development Assessment
Date: 3 June 2025	Date: 11 June 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data															
<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p>11% variation to lot size (Clause 53(2)(a) and SEPP (Housing) 2021)</p> <p>Reason:</p> <table border="1"> <tr> <td></td> <td>Pre-existing non-compliance</td> </tr> <tr> <td></td> <td>No change to overall building height</td> </tr> <tr> <td></td> <td>No change to overall building envelope</td> </tr> <tr> <td></td> <td>Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td>X</td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td>X</td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td>X</td> <td>Consistent with the objectives of the standard</td> </tr> </table>		Pre-existing non-compliance		No change to overall building height		No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
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<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	Local Planning Panel														
<p>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</p>	Yes														
<p>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</p> <p>*This is a planning portal reporting requirement</p>	No														
<p>Secondary Dwelling</p> <p>*This is a planning portal reporting requirement</p>	Yes														
<p>Boarding House</p> <p>*This is a planning portal reporting requirement</p>	No														
<p>Group Home</p> <p>*This is a planning portal reporting requirement</p>	No														
<p>Does the proposal trigger a Housing & Productivity Contribution ? If so, please ensure</p>	No														

you have calculated the contribution in the CON case in the Planning Portal.	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition																																																								
1.	APPROVED PLANS AND DOCUMENTATION																																																								
	The development must be in accordance with:																																																								
	(a) Architectural Plans prepared by Tonkin Zulaikha Greer of Project No: 24016 including the following:																																																								
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(c) Stormwater Details and documentation prepared by Olive Pacific dated 11.11.2024, and received by Council on 09/01/2025																																																									
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 09/01/2025																																																									
Except where amended by the following conditions of consent.																																																									
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																																																								

2.	DOMESTIC HEATERS
	The provision of solid fuel heating is prohibited.
	Condition reason: To protect air quality.
3.	APPROVED USE - SEMI-DETACHED DWELLING AND SECONDARY DWELLING
	<p>This development consent authorises the use of the site as a single semi-detached dwelling, known as the 'principal dwelling'.</p> <p>The development consent also authorises the laneway studio located at the rear of the site to accommodate a secondary dwelling.</p> <p>The secondary dwelling:</p> <ul style="list-style-type: none"> (a) must be established in conjunction with and be located on the same lot of land as the principal dwelling; and (b) cannot be subdivided for the purposes of it being located on its own lot and separate to the lot comprising the principal dwelling.
	Condition reason: To confirm the approved use of a semi-detached and a secondary dwelling.
4.	LANDSCAPE PLAN
	<p>A Landscape Plan is to be submitted setting out the details for the secondary dwelling landscape planter boxes. The Landscape Plan is to comply with the controls for green roofs in Part B3.2.3 of the Waverley Development Control Plan 2022 including;</p> <ul style="list-style-type: none"> (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 landscape planters are 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. <p>The Landscape Plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate).</p>
	Condition reason: To ensure the proposed landscape planter elements incorporate suitable species, irrigation and to ensure these areas are non-trafficable.
5.	GEOTECHNICAL INVESTIGATION
	The development is to be undertaken in accordance with the recommendations in the Geotechnical Investigation Report prepared by White Geotechnical Group dated

	30/08/2024 and received by Council 09/01/2025, including any recommendations or requirements for further investigations to be undertaken prior to commencement of site work.
	Condition reason: To ensure excavation is undertaken safely and in accordance with the site conditions.
6.	HERITAGE MAINTENANCE SCHEDULE
	The works are to be undertaken accordance with the Heritage Maintenance Schedule prepared by Tonkin Zulaikha Greer Pty Ltd dated 02/05/2025 and received by Council 13/05/2025.
	Condition reason: To ensure maintenance of the dwelling into the future is undertaken in accordance with the submitted maintenance schedule.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
7.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
8.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
9.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> (a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> (i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than \$500,000 but less than \$1,000,000:

	<p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
10.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$28,100.00 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.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property,</p>

	<p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
11.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
12.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
13.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
14.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
15.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
16.	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by Ollive Pacific, DWG Nos. 2024-OP7/H01-H04, Issue A, dated 11/11/2024 are concept only.</p> <p>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:</p> <ol style="list-style-type: none"> The architectural drawings must be updated to be consistent with the stormwater management plans. 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. Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes. A stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A grated trench drain will be provided across the (garage entrance/driveway/street boundary) within private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate is no less than 300 mm wide by 100 mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain will be connected to an approved drainage system. Any proposed stormwater discharge within the footpath verge of Isabella Street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum of 1m width of concrete kerb and gutter must be replaced encompassing this connection, with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or found to be in a deteriorated state. Any new downpipes must be located wholly within the property's boundary.

	<p>i) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's Street gutter.</p> <p>j) Sub-soil drainage or seepage water must be restricted from entering all below ground structures with habitable or non-habitable floor spaces and the stormwater drainage system (inclusive of stormwater pits, pipes and/or kerb and gutter), by waterproofing and tanking.</p> <p>k) The stormwater management plan must provide full details of the proposed 'Cellar Sump Pump' system and the 'Water Tank' under new slab of the ground floor.</p> <p>l) Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.</p> <p>m) Any Council infrastructure affected as a 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 if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions. • 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. • 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 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission. • Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application. <p>Condition reason: To ensure the proper management of stormwater runoff.</p>
17.	<p>TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES</p> <p>If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary de-watering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the PCA.</p> <p>Condition reason: Ensure proper groundwater approvals are obtained, and no permanent dewatering occurs as part of the proposed development.</p>

18.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
19.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
20.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
21.	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p>

	Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.
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BEFORE BUILDING WORK COMMENCES

	Condition
22.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
23.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>

24.	<p>TREE PROTECTION</p> <p>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.</p> <p>Condition reason: To protect and retain trees.</p>
25.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

	Condition
26.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
27.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
28.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
29.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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</p>

	<p>Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
30.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
31.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>
32.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
33.	<p>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
34.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Condition reason: To ensure all works are located within the property boundary.</p>

35.	<p>NEW VEHICLE CROSSING</p> <p>A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.</p> <p>The crossing is to be a maximum of 3.2 metres wide at the property boundary. The width at the street is to be 4.1 metres inclusive of 0.45 metre splays either side.</p> <p>Condition reason: To ensure the development complies with Section 138 of the Roads Act 1993.</p>
36.	<p>VEHICULAR ACCESS - FINIHSED LEVEL</p> <p>The internal finished level shall be constructed to match the longitudinal fall of Council's gutter.</p> <p>In this regard, the finished level at the property boundary on both sides of the vehicle crossing shall be 110mm above the level of the invert of the existing concrete gutter.</p> <p>Should the internal slab be poured incorrectly, Council may ask that internal alterations be made and the slab adjusted at the applicant's cost.</p> <p>Condition reason: To ensure the level of the slab at the property boundary is finished to facilitate the construction of Council's standard driveway layback.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
37.	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 <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
38.	CERTIFICATION OF BASIX COMMITMENTS
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
39.	CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM
	Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.
	Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.
	A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.
	Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.
40.	WORKS-AS-EXECUTED DRAWINGS – STORMWATER MANAGEMENT SYSTEM
	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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.

	<p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater management system that the 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p>
	<p>Condition reason: Ensure council are aware of the stormwater management systems on site and able to provide advice for any future or remedial works.</p>
41.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered, and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p>
	<p>Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD, pump out, infiltration system) are not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.</p>
42.	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>The registered proprietor will 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.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p>

	Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.
	Condition reason: Ensure pump out systems are maintained and continue to operate as intended.

OCCUPATION AND ONGOING USE

	Condition
43.	<p>ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM</p> <p>Council will need to be provided with a pump system management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.</p> <p>At a minimum, the pump system must be:</p> <ul style="list-style-type: none"> a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner. <p>Not to be altered without prior consent in writing of the Council.</p> <p>Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p>

	<p>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.</p>
5.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
6.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
7.	<p>ALTERATIONS AND ADDITIONS ONLY</p> <p>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.</p>
8.	<p>DRIVEWAY DESIGN - POLE LOCATION</p> <p>Ausgrid Network Standard 167 Positioning of Poles and Lighting Columns, page 18 of 24 states the following: "If a planned subdivision retains an existing pole without the need for its relocation, any proposed driveway should be located so as to maintain a minimum clearance of 1.5 m from the nearest face of the pole to any part of the driveway, including the layback, to allow room for future pole replacements Ausgrid should be consulted for any deviation to this norm."</p> <p>Accordingly, prior to the issue of a Construction Certificate, a letter from Ausgrid may be required approving any distance less than 1.5m from the existing pole.</p>
9.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
10.	<p>BONDI - ROSE BAY SAND BODY</p>

	<p>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.</p> <p>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.</p>
11.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>
12.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>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.</p>

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

DRAWING LIST- DA

		Scale @ A3	REV
A 000 GENERAL INFORMATION			
A 000	COVER PAGE		-
A 001	DRAWING LIST, LEGEND AND BASIX		A
A 002	SITE ANALYSIS	1:500	-
A 003	SITE PLAN - PROPOSED	1:200	A
A 004	SITE PLAN - EXISTING	1:200	-
A 010 DEMOLITION PLANS			
A 010	DEMOLITION MAIN HOUSE INTERNAL PLANS	1:100	-
A 011	DEMOLITION BASEMENT PLAN	1:100	-
A 012	DEMOLITION GROUND FLOOR PLAN	1:100	-
A 100 GENERAL ARRANGEMENT PLANS			
A 100	PROPOSED MAIN HOUSE INTERNAL WORKS - FLOOR PLANS	1:100	A
A 101	PROPOSED BASEMENT PLAN	1:100	-
A 102	PROPOSED GROUND FLOOR PLAN	1:100	-
A 103	PROPOSED LEVEL 1 PLAN	1:100	-
A 104	PROPOSED ROOF PLAN	1:100	-
A 200 ELEVATIONS			
A 200	PROPOSED ELEVATIONS	1:100	-
A 300 SECTIONS			
A 300	PROPOSED SECTIONS	1:100	-
A 301	PROPOSED SECTION THROUGH MAIN HOUSE	1:100	-
A 400 SHADOW DIAGRAMS			
A 400	SHADOW DIAGRAMS - 21 JUNE 9AM	1:100	-
A 401	SHADOW DIAGRAMS - 21 JUNE 12PM	1:100	-
A 402	SHADOW DIAGRAMS - 21 JUNE 3PM	1:100	-
A 500 AREA CALCULATIONS AND DIAGRAMS			
A 500	GFA AND LANDSCAPE CALCULATIONS	1:200	-
A 501	STREETSCAPE ANALYSIS	1:500	-
A 502	STREETSCAPE ANALYSIS - ELEVATIONS	1:200	-
A 503	COMPLYING DEVELOPMENT		-
A 600 VIEWS			
A 600	CONCEPTUAL DESIGN		-

DATE	REV	DESCRIPTION	Notes	Structural Engineer	Quantity Surveyor
5/12/2024	-	DEVELOPMENT APPLICATION		Professor Max Irvine	Ian Berson - Bercos Consulting
9/1/2025	A	COUNCIL RFI ADDITIONAL DRAWINGS	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Geotechnical Engineer White Geotechnical Group	Stormwater Consultant Luke Olive - Olive Pacific
				Surveyor Surv3d	Heritage Consultant Julie Mackenzie - TZG Heritage
				Statutory Planner Daniel Barber - Paro Consulting	

LEGEND

Code	Description
BDY	Boundary
BR	Brickwork
C/L	Centre-Line
CO	Concrete
D	Door
FFL	Finished Floor Level
GRC	Glass-Fibre Reinforced Concrete
GRV	Gravel
PLD	Panel Lift Door
PST	Pavers, Stone
RN	Render
SKY	Skylight
SPP	Steel Plate, Paint Finish
TF	Timber Flooring
TL	Tiles
TOW	Top of Wall
W	Window
X	Existing

RECEIVED
Waverley Council

Receipt No: DA-667/2024

Date Received: 09/01/2025

Architects
TonkinZulaikhaGreer
117 Reservoir Street
Surry Hills NSW 2010 Australia
T +61 2 9215 4900
W tzg.com.au
E info@tzg.com.au
Nominated Architects
Peter Tonkin NSW Registration 4147
Tim Greer NSW Registration 5603

BASIX[®]Certificate

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

Alterations and Additions

Certificate number: A1770722

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Tuesday, 29 October 2024

To be valid, this certificate must be lodged within 3 months of the date of issue



Project address	
Project name	44 Bourke Street, Queens Park
Street address	44 BOURKE STREET QUEENS PARK 2022
Local Government Area	Waverley Council
Plan type and number	Deposited Plan DP1112427
Lot number	100
Section number	-
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A

Certificate Prepared by [\(please complete before submitting to Council or PCA\)](#)

Name / Company Name: PARO PLANNING PTY LTD

ABN (if applicable): 80861609383

Fixtures and systems							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Hot water												
The applicant must install the following hot water system in the development: electric heat pump system that is eligible to create Renewable Energy Certificates under the (Commonwealth) Renewable Energy (Electricity) Regulations 2001 (incorporating Amendment Regulations 2005 (No. 2)).							✓	✓	✓			
Lighting												
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.								✓	✓			
Fixtures												
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.								✓	✓			
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.								✓	✓			
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.								✓	✓			
Construction							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Insulation requirements												
The applicant must construct the new or altered construction (floor/s, walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.							✓	✓	✓			
Construction		Additional insulation required (R-value)		Other specifications								
concrete slab on ground floor.		nil		N/A								
suspended floor with enclosed subfloor: concrete (R0.6).		R0.70 (down) (or R1.30 including construction)		N/A								
suspended floor above garage: concrete (R0.6).		nil		N/A								
external wall: cavity brick		nil										
external wall: other/undecided		R1.70 (including construction)										
internal wall shared with garage: other/undecided		nil										
raked ceiling, pitched/skillion roof: concrete/bare internal		ceiling: R2.24 (up), roof: foil backed blanket (55 mm)		medium (solar absorptance 0.475 - 0.70)								
Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Windows and glazed doors												
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.							✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:								✓	✓			
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.								✓	✓			
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.								✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.							✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.								✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.								✓	✓			
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.							✓	✓	✓			
Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Windows and glazed doors glazing requirements												
Window/door number	Orientation	Area of glass including frame (m ²)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type						
W-GF-1	W	1.67	3.77	2.05	eave/ verandah/ pergola/balcony ≥600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)						
W-GF-2	W	2.29	5.48	9.9	eave/ verandah/ pergola/balcony ≥450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)						
W-1F-1	W	0.71	4.34	10.9	eave/ verandah/ pergola/balcony ≥450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)						
W-1F-3	N	10	0	0	eave/ verandah/ pergola/balcony ≥900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)						
D-1F-1	N	1.93	0	0	eave/ verandah/ pergola/balcony ≥900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)						
W-1F-2	E	3.24	0	0	eave/ verandah/ pergola/balcony ≥450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)						
D-GF-1	E	0.58	0	0	eave/ verandah/ pergola/balcony ≥450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)						

Drawn

MG

Checked

TG

Date _____

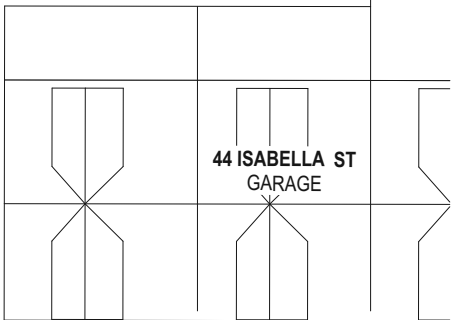
Date
9/1/2025

PLANS

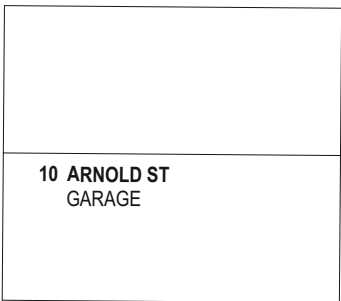
Waverley Council

Application No: DA-667/2024

Date Received: 05/05/2025



44 ISABELLA ST
GARAGE



ARNOLD ST
C-15-05

LEGEND

PROPOSED WORKS

(ALTERATIONS AND ADDITIONS TO EXISTING GARAGE AND POOL)

DATE	REV	DESCRIPTION:
5/12/2024	-	DEVELOPMENT APPLICATION
9/1/2025	A	COUNCIL RFI ADDITIONAL DRAWINGS
2/5/2025	B	DA AMENDMENTS

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White Geotechnical Group

Surveyor
Surv3d

Statutory Planner
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Quantity Surveyor
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Tim Greer NSW Registration 5603

Client

C.DOVEY AND
K.WILLIAMS

Project

44 BOURKE ST, QUEENS PARK

Phase
DEVELOPMENT APPLICATION

Job No.
24016

Drawing Title

SITE PLAN - PROPOSED

Drawing I
A 003

Rev No.
B

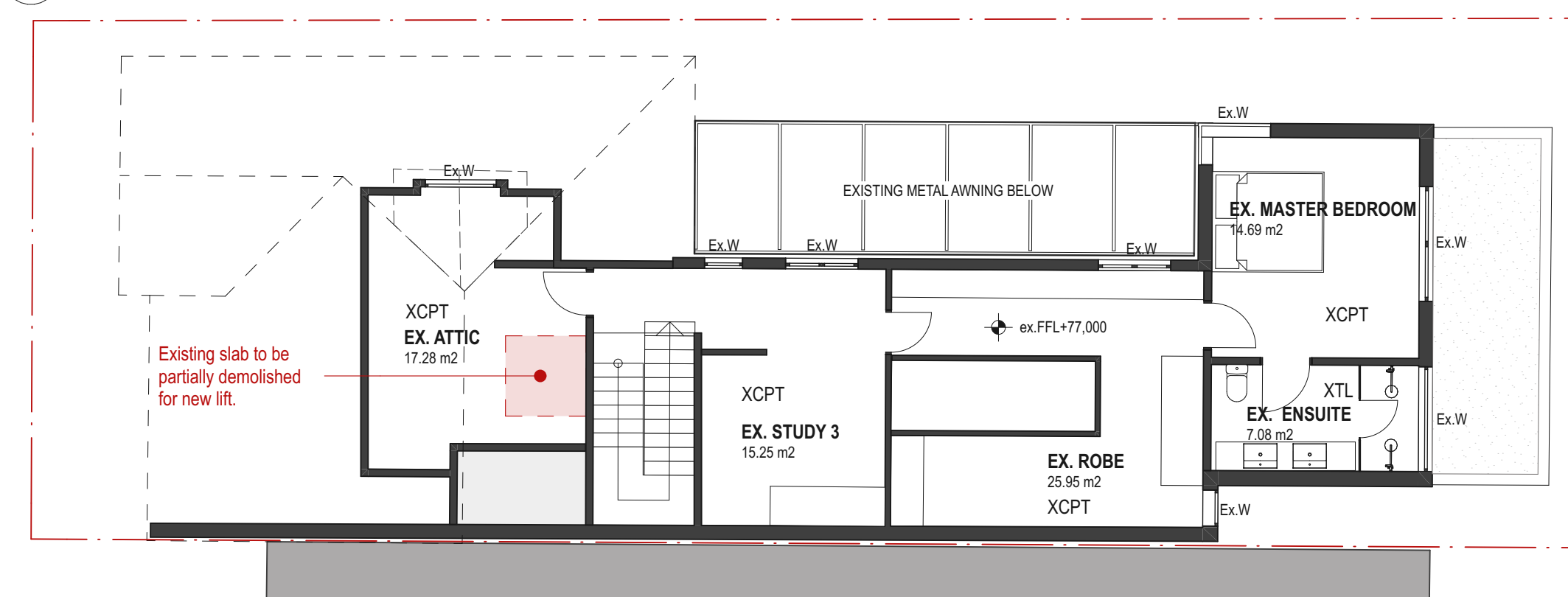
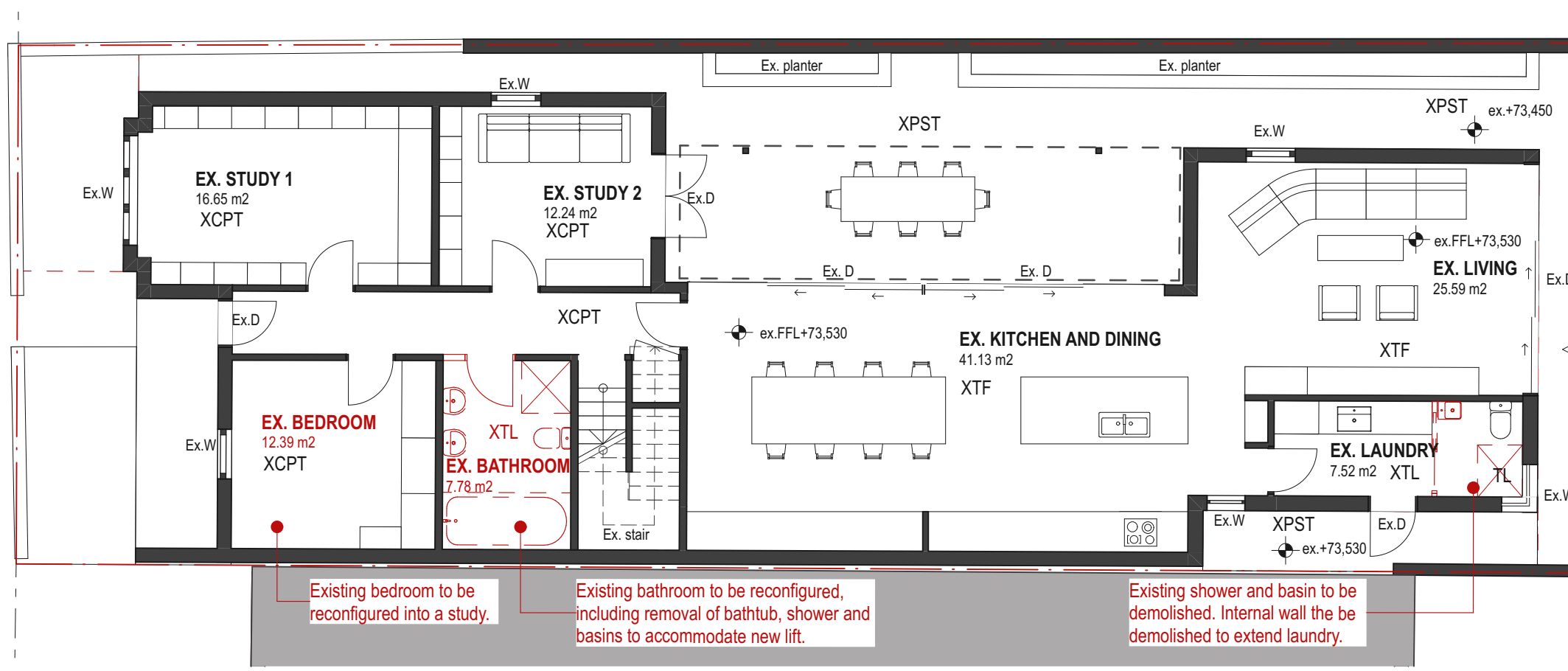
Scale 1:200

0 2 4 8m @ A3





Drawn

MG
Checked
TG
Date
2/5/2025

North



DEMOLITION LEGEND

	EXISTING TO BE RETAINED
	EXISTING SLAB FLOOR TO BE DEMOLISHED
	EXTENT OF EXCAVATION
	EXISTING ELEMENTS TO BE DEMOLISHED

DATE	REV	DESCRIPTION:	Notes
5/12/2024	-	DEVELOPMENT APPLICATION	Do not scale off drawings. Use
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K.WILLIAMS**

Project
44 BOURKE ST, QUEENS PARK

Phase
DEVELOPMENT APPLICATION

Job No.
24016

Drawing Title


DEMOLITION MAIN HOUSE INTERNAL PLANS

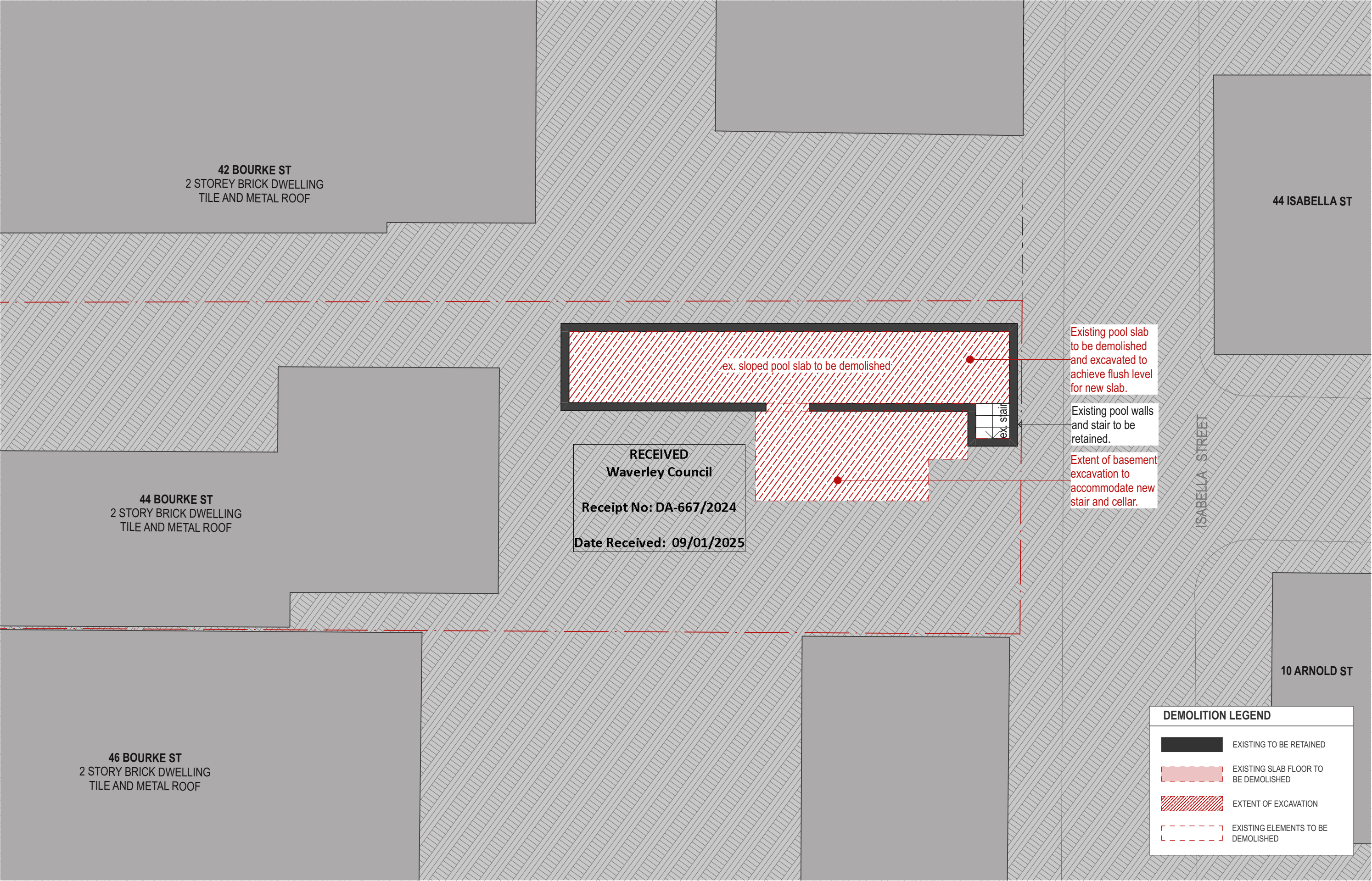
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A 010 -

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0 1 2 4 m @A3





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Phase
DEVELOPMENT APPLICATION

Job No.
24016

Drawing Title
DEMOLITION BASEMENT PLAN

Drawing No.
A 011

Rev No.
-

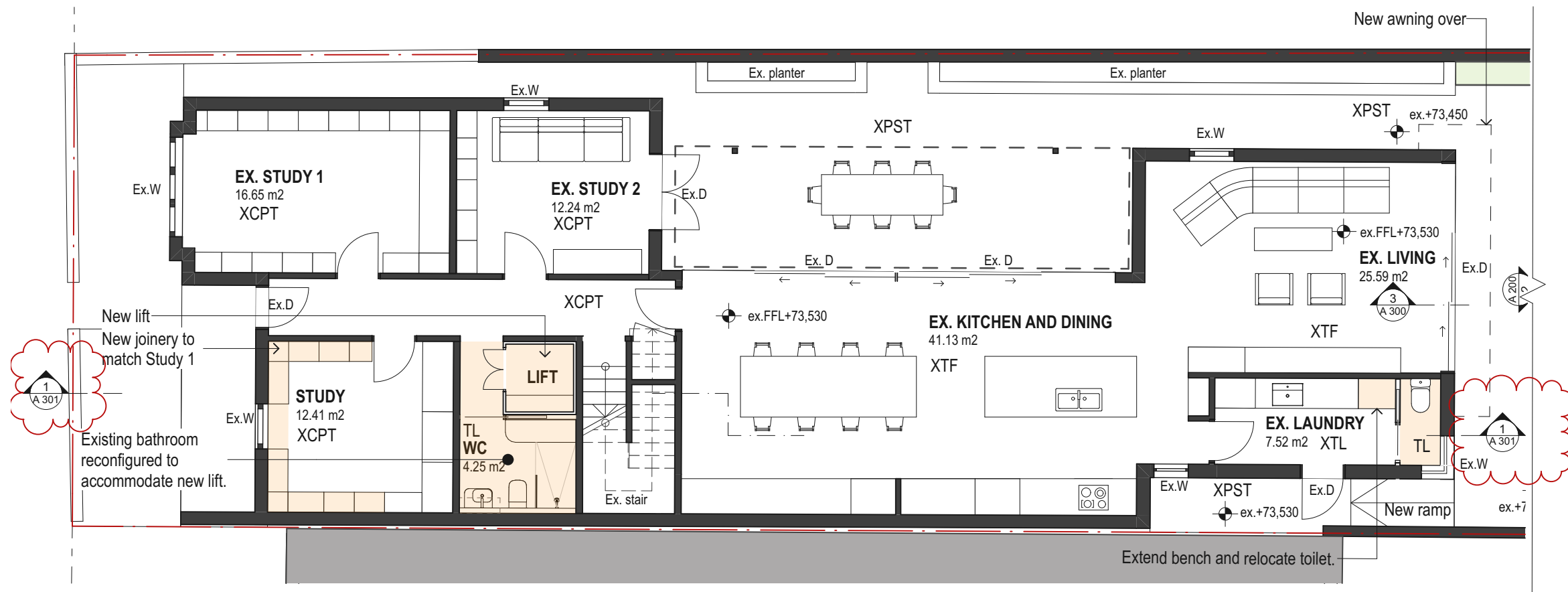
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Drawn
MG

Checked
TG

Date
5/12/2024

North



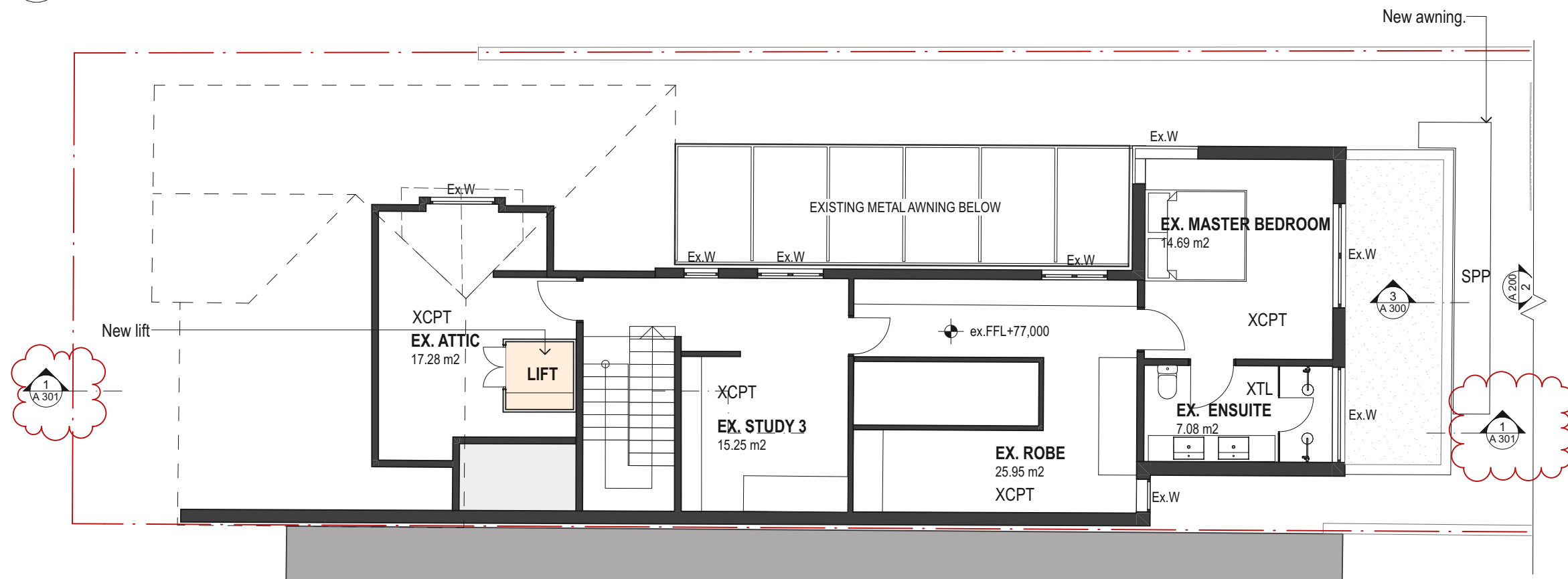
REFER DRAWING A 102 FOR
PROPOSED GROUND FLOOR
PLAN

2 GROUND FLOOR - MAIN HOUSE INTERNAL WORKS PLAN
1:100

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Receipt No: DA-667/2024

Date Received: 09/01/2025



REFER DRAWING A 103 FOR
PROPOSED LEVEL 1 PLAN

1 LEVEL 1 - MAIN HOUSE INTERNAL WORKS PLAN
1:100

LEGEND

PROPOSED INTERNAL WORKS
(ALTERATIONS AND ADDITIONS TO
'MAIN HOUSE' INTERIOR)

DATE	REV	DESCRIPTION:	Notes
5/12/2024	-	DEVELOPMENT APPLICATION	
9/1/2025	A	COUNCIL RFI ADDITIONAL DRAWINGS	
			Do not scale off drawings. Use
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Geotechnical Engineer White Geotechnical Group
Surveyor Surv3d
Statutory Planner Daniel Barber - Paro Consulting

Quantity Surveyor Ian Berson - Berco Consulting
Stormwater Consultant Luke Olive - Olive Pacific
Heritage Consultant Julie Mackenzie - TZG Heritage

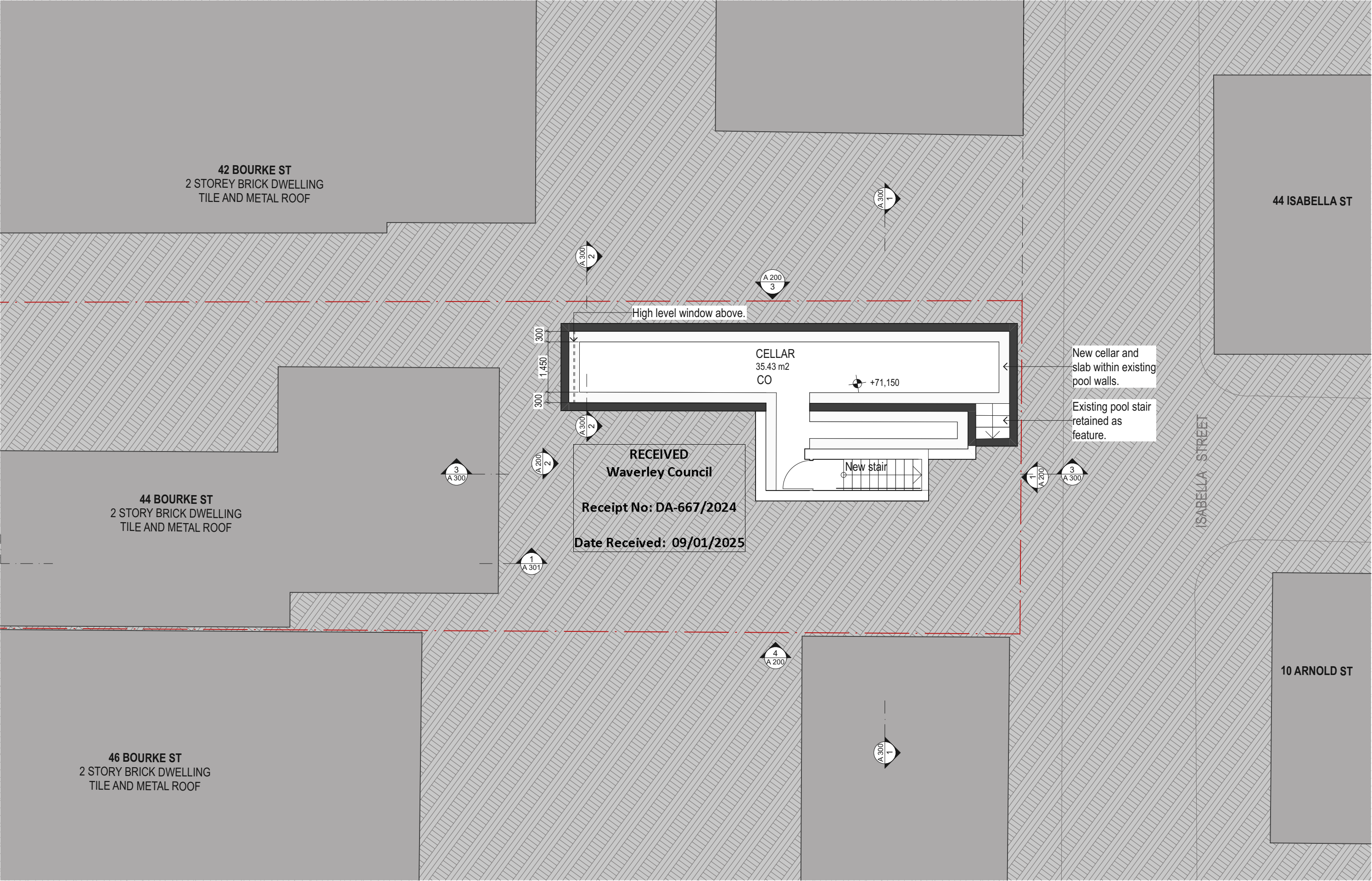
649

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Client C.DOVEY AND K.WILLIAMS

Project 44 BOURKE ST, QUEENS PARK
Phase DEVELOPMENT APPLICATION
Job No. 24016

Drawing Title PROPOSED MAIN HOUSE INTERNAL WORKS - FLOOR PLANS	Drawn MG
Drawing No. A 100	Checked TG
Rev No. A	Date 9/1/2025
Scale 0 1 2 4 m @A3	North



DATE	REV	DESCRIPTION:
5/12/2024	-	DEVELOPMENT APPLICATION

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K.WILLIAMS**

Project
44 BOURKE ST, QUEENS PARK

Phase
DEVELOPMENT APPLICATION

Job No.
24016

Drawing Title
PROPOSED BASEMENT PLAN

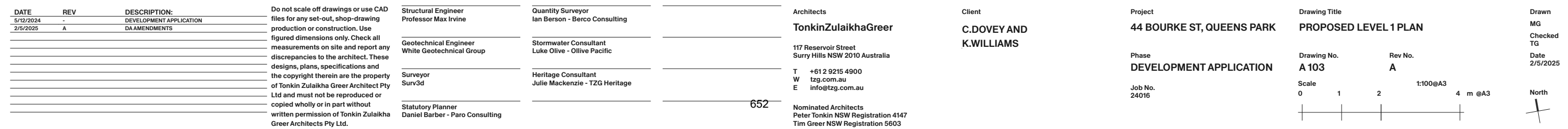
Drawing No.
A 101

Scale
0 1 2 4 m @A3

Drawn
MG
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TG
Date
5/12/2024

North

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Waverley Council
Application No: DA-667/2024
Date Received: 05/05/2025



AMENDED PLANS

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Date Received: 05/05/2025

42 BOURKE ST
2 STOREY BRICK DWELLING
TILE AND METAL ROOF

42 BOURKE ST
GARAGE

42 BOURKE ST
COURTYARD BELOW

44 ISABELLA ST

44 BOURKE ST (SUBJECT SITE)
2 STORY BRICK DWELLING
TILE AND METAL ROOF

ROOF OF CELLAR BELOW

PLANTER BED BELOW

New two-storey brick
and concrete studio
over garages.

BR
ROOF

+79,500

COURTYARD BELOW

ISABELLA STREET

10 ARNOLD ST

46 BOURKE ST
COURTYARD BELOW

46 BOURKE ST
GARAGE

46 BOURKE ST
2 STORY BRICK DWELLING
TILE AND METAL ROOF

DATE	REV	DESCRIPTION:
5/12/2024	-	DEVELOPMENT APPLICATION
2/5/2025	A	DA AMENDMENTS

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K.WILLIAMS

Project
44 BOURKE ST, QUEENS PARK

Phase
DEVELOPMENT APPLICATION

Job No.
24016

Drawing Title
PROPOSED ROOF PLAN

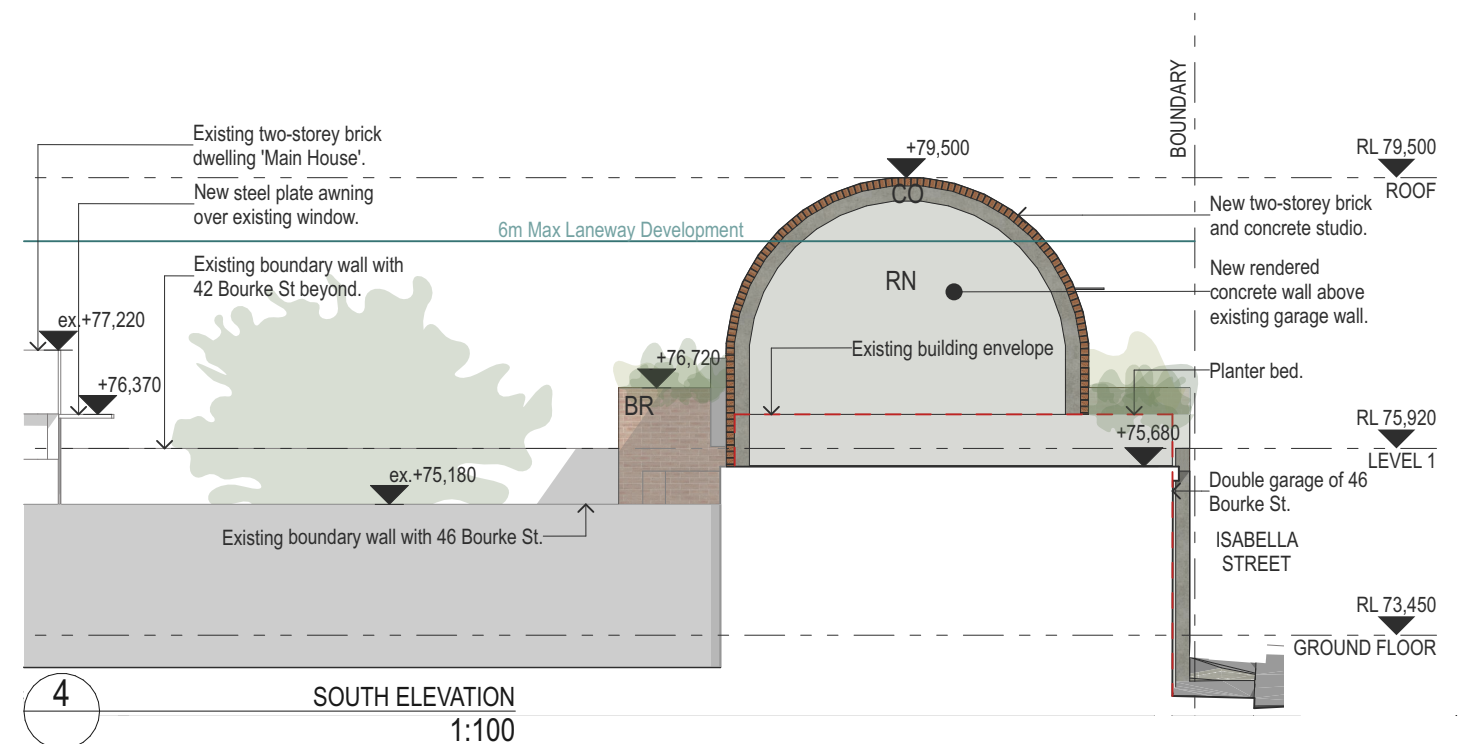
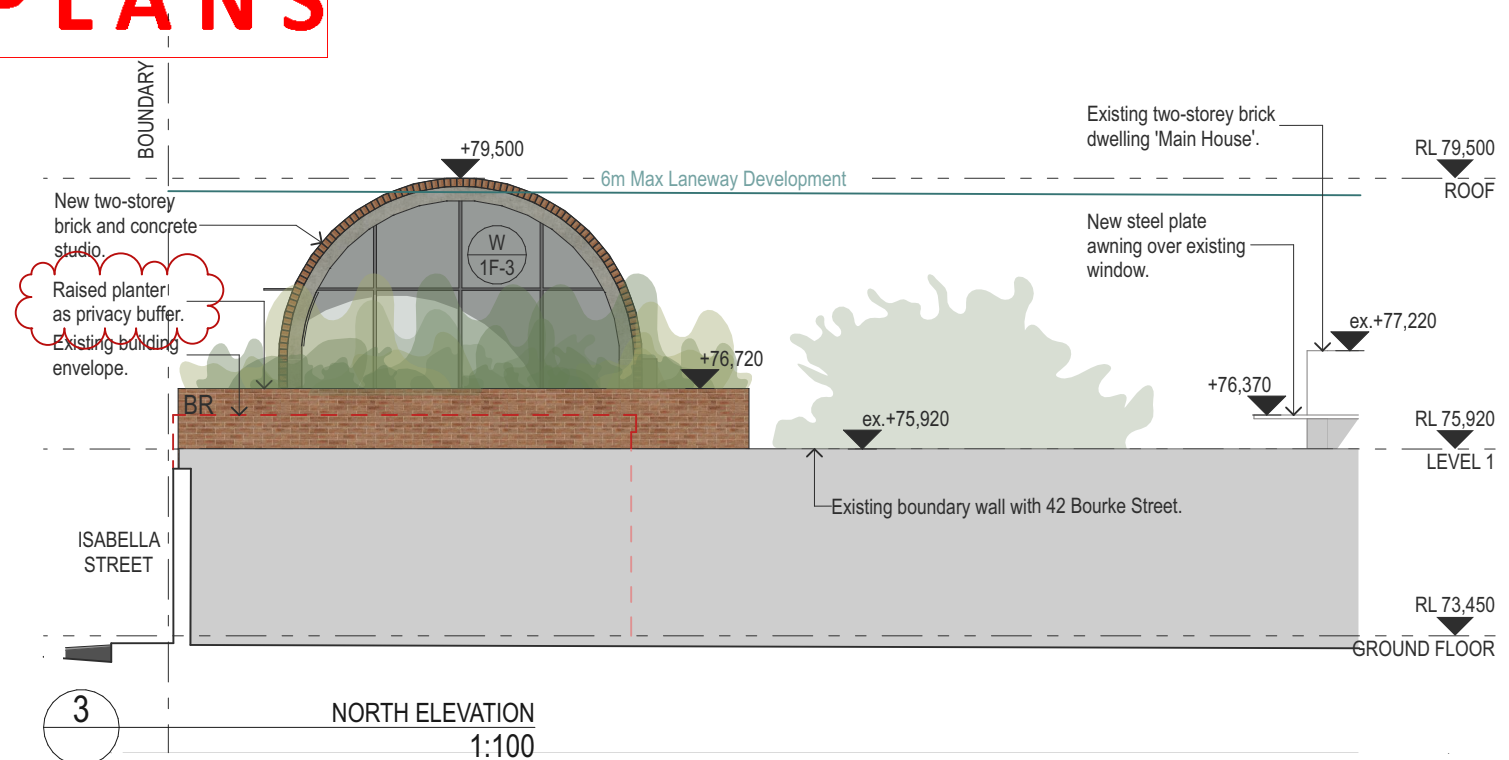
Drawing No.
A 104

Scale
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Drawn
MG
Checked
TG
Date
2/5/2025

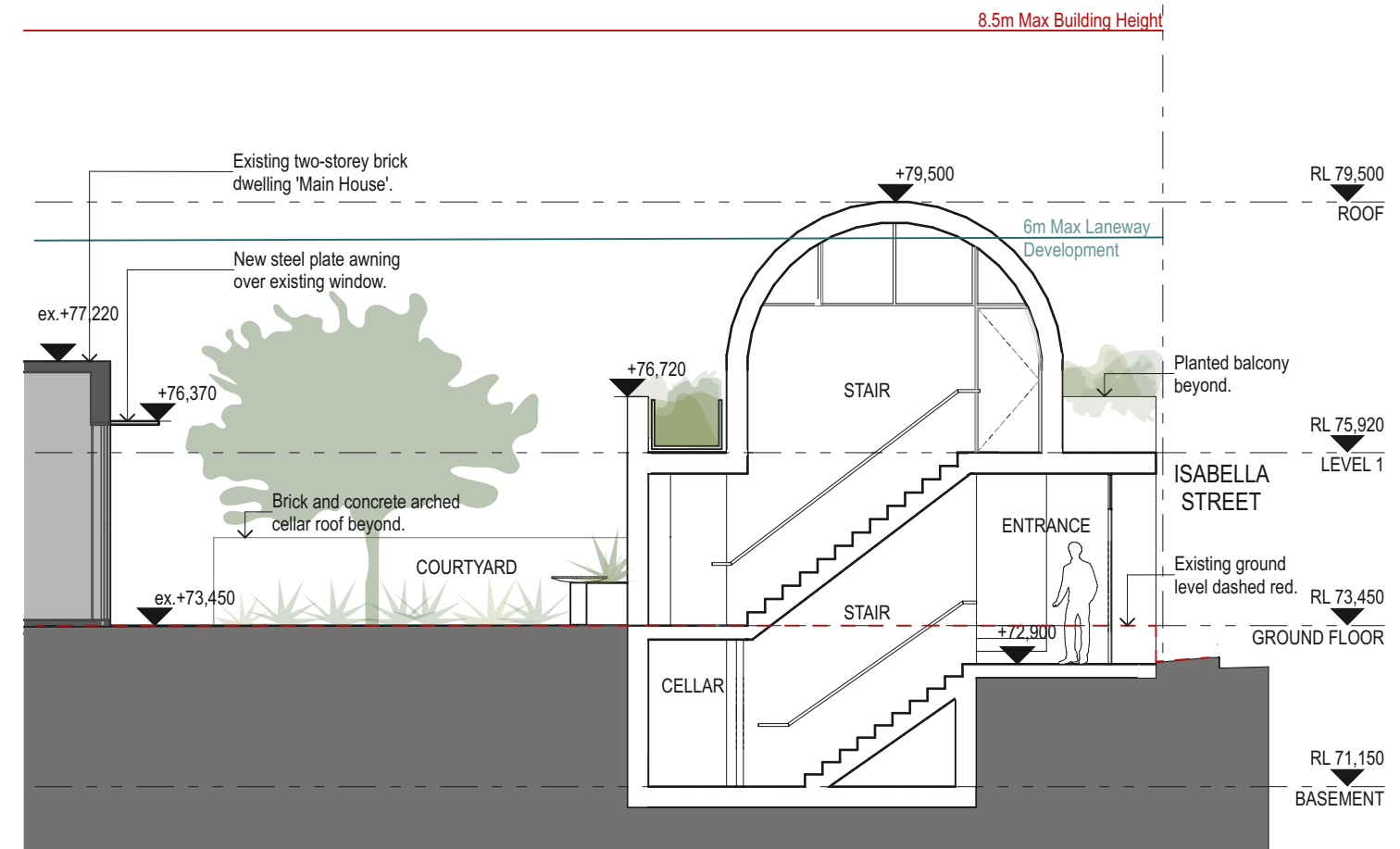
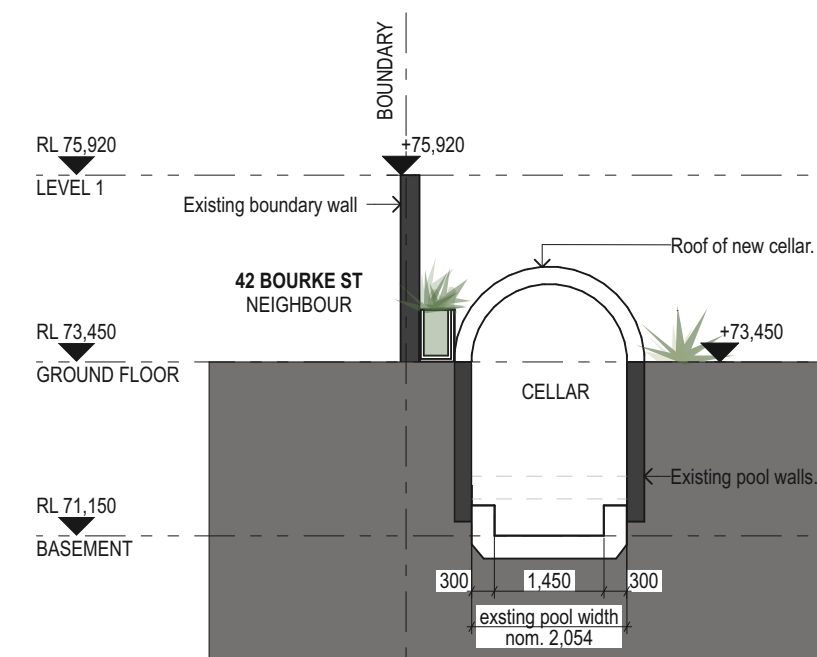
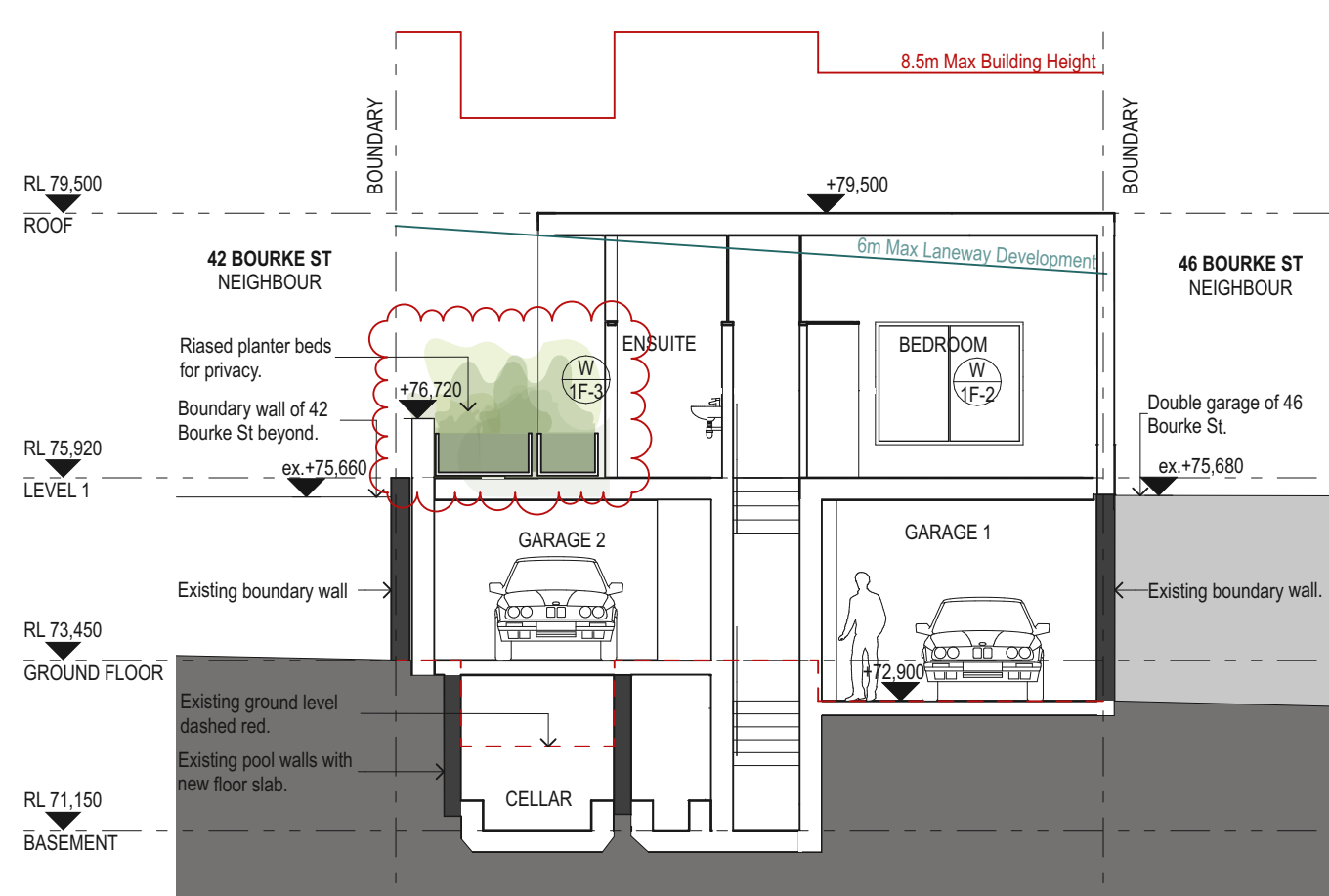
North

8.5m Max Building Height



RN - Render

Drawn
MG
Checked
TG
Date
1/5/2025



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Application No: DA-667/2024
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AMENDED PLANS

DATE	REV	DESCRIPTION:
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2/5/2025	A	DA AMENDMENTS

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White Geotechnical Group

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Surv3d

Statutory Planner
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Client
**C.DOVEY AND
K.WILLIAMS**

Project
44 BOURKE ST. QUEENS PARK

Phase
DEVELOPMENT APPLICATION

Job No.
24016

Drawing Title

PROPOSED SECTIONS

Drawing No. **A 300** Rev No. **A**

Scale 1:100@A3

0 1 2 4 m @A3

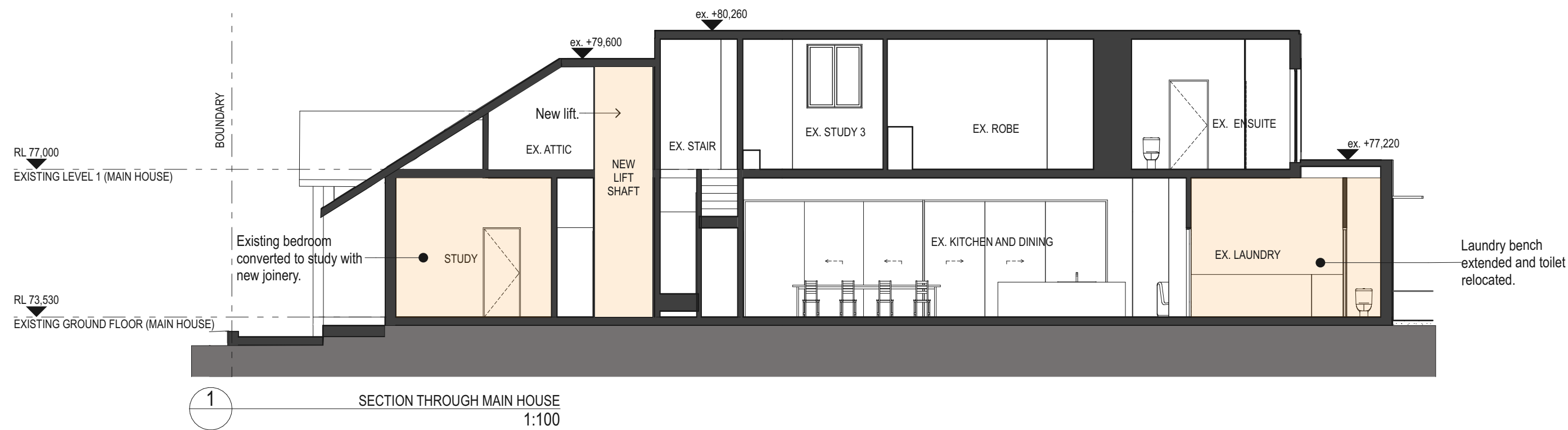
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G
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G
Date
5/2025



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Date Received: 09/01/2025



LEGEND	
<div></div>	PROPOSED INTERNAL WORKS (ALTERATIONS AND ADDITIONS TO 'MAIN HOUSE' INTERIOR)

DATE	REV	DESCRIPTION:	Notes	Structural Engineer	Quantity Surveyor	Architects	Client	Project	Drawing Title	Drawn
9/1/2025	-	COUNCIL RFI ADDITIONAL DRAWINGS	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Professor Max Irvine	Ian Berson - Berco Consulting	TonkinZulaikhaGreer 117 Reservoir Street Surry Hills NSW 2010 Australia T +61 2 9215 4900 W tzg.com.au E info@tzg.com.au Nominated Architects Peter Tonkin NSW Registration 4147 Tim Greer NSW Registration 5603	C.DOVEY AND K.WILLIAMS	44 BOURKE ST, QUEENS PARK	PROPOSED SECTION THROUGH MAIN HOUSE	MG
				Geotechnical Engineer White Geotechnical Group	Stormwater Consultant Luke Olive - Ollive Pacific			Phase DEVELOPMENT APPLICATION	Drawing No. A 301	Checked TG
				Surveyor Surv3d	Heritage Consultant Julie Mackenzie - TZG Heritage			Job No. 24016	Rev No. -	Date 9/1/2025
				Statutory Planner Daniel Barber - Paro Consulting				Scale 0 1 2 4 m @A3	1:100@A3	North



1

STREETSCAPE ELEVATION - EXISTING

1:200

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Waverley Council

Receipt No: DA-667/2024

Date Received: 09/01/2025



3

STREETSCAPE ELEVATION - PROPOSED

1:200

DATE	REV	DESCRIPTION:	Notes	Structural Engineer	Quantity Surveyor	Architects	Client	Project	Drawing Title	Drawn
5/12/2024	-	DEVELOPMENT APPLICATION	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Professor Max Irvine	Ian Berson - Berco Consulting	TonkinZulaikhaGreer	C.DOVEY AND K.WILLIAMS	44 BOURKE ST, QUEENS PARK	STREETSCAPE ANALYSIS - ELEVATIONS	MG
				Geotechnical Engineer	Stormwater Consultant	117 Reservoir Street		Phase	Drawing No.	Checked
				White Geotechnical Group	Luke Olive - Ollive Pacific	Surry Hills NSW 2010 Australia		DEVELOPMENT APPLICATION	A 502	TG
				Surveyor	Heritage Consultant	T +61 2 9215 4900		Job No.	Rev No.	Date
				Surv3d	Julie Mackenzie - TZG Heritage	W tzg.com.au		24016	-	5/12/2024
				Statutory Planner		E info@tzg.com.au				
				Daniel Barber - Paro Consulting		Nominated Architects				
						Peter Tonkin NSW Registration 4147				
						Tim Greer NSW Registration 5603				