



20 May 2019

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held on level 3, Waverley Council Chambers, Cnr Bondi Road and Paul Street, Bondi Junction at:

12.00 PM WEDNESDAY, 29 MAY 2019

QUORUM: Three Panel members.

APOLOGIES: By e-mail to WLPP@waverley.nsw.gov.au

OR

Late notice by telephone to the WLPP Co-ordinator on 9083 8273.

AGENDA

WLPP-1905.A Apologies

WLPP-1905.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-1905.1 PAGE 5 9 Wallace Street, WAVERLEY - Alterations and additions to existing semi-detached dwelling including first floor addition and attached secondary dwelling (DA-416/2018)

Report dated 15 May 2019 from the Development and Building Unit.

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

WLPP-1905.2 PAGE 40 17 Barclay Street, Waverley - Demolition of existing dwelling, Torrens title subdivision and construction of two semi-detached dwellings with swimming pools on each new lot (DA-206/2018)

Report dated 16 May 2019 from the Development and Building Unit.

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

WLPP-1905.3 PAGE 91 6 Kent Street, WAVERLEY - Alterations and additions to dual occupancy including internal re-configuration and side additions (DA-353/2018)

Report dated 15 May 2019 from the Development and Building Unit.

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

WLPP-1905.4

PAGE 113

455A Bronte Road, Bronte - Alterations and additions to the existing dwelling house, including an attic addition and a pool at the rear (DA-477/2018)

Report dated 16 May 2019 from the Development and Building Unit.

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

WLPP-1905.5

PAGE 150

13 Gaerloch Avenue TAMARAMA - Demolition of existing dwelling and erection of a new four storey dwelling house including garage and swimming pool (DA-304/2018)

Report dated 15 May 2019 from the Development and Building Unit.

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

WLPP-1905.6

PAGE 234

66 Fletcher Street, BONDI - Significant alterations and additions including conversion of a residential flat building into a single dwelling (DA-348/2018)

Report dated 16 May 2019 from the Development and Building Unit.

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

WLPP-1905.7

PAGE 276

17 Wilga Street, BONDI - Modification to remove condition 2A(a) relating to the extension to existing balconies (DA-125/2018/A)

Report dated 15 May 2019 from the Development and Building Unit.

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

WLPP-1905.8

PAGE 310

13 Reina Street, North Bondi - Demolition of dwelling and construction of a two storey plus basement dual occupancy, in-ground swimming pools and strata subdivision (DA-070/2019)

Report dated 15 May 2019 from the Development and Building Unit.

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

8 Watkins Street, BONDI - Alterations and additions to single dwelling including part demolition and various other alterations (DA-453/2018)

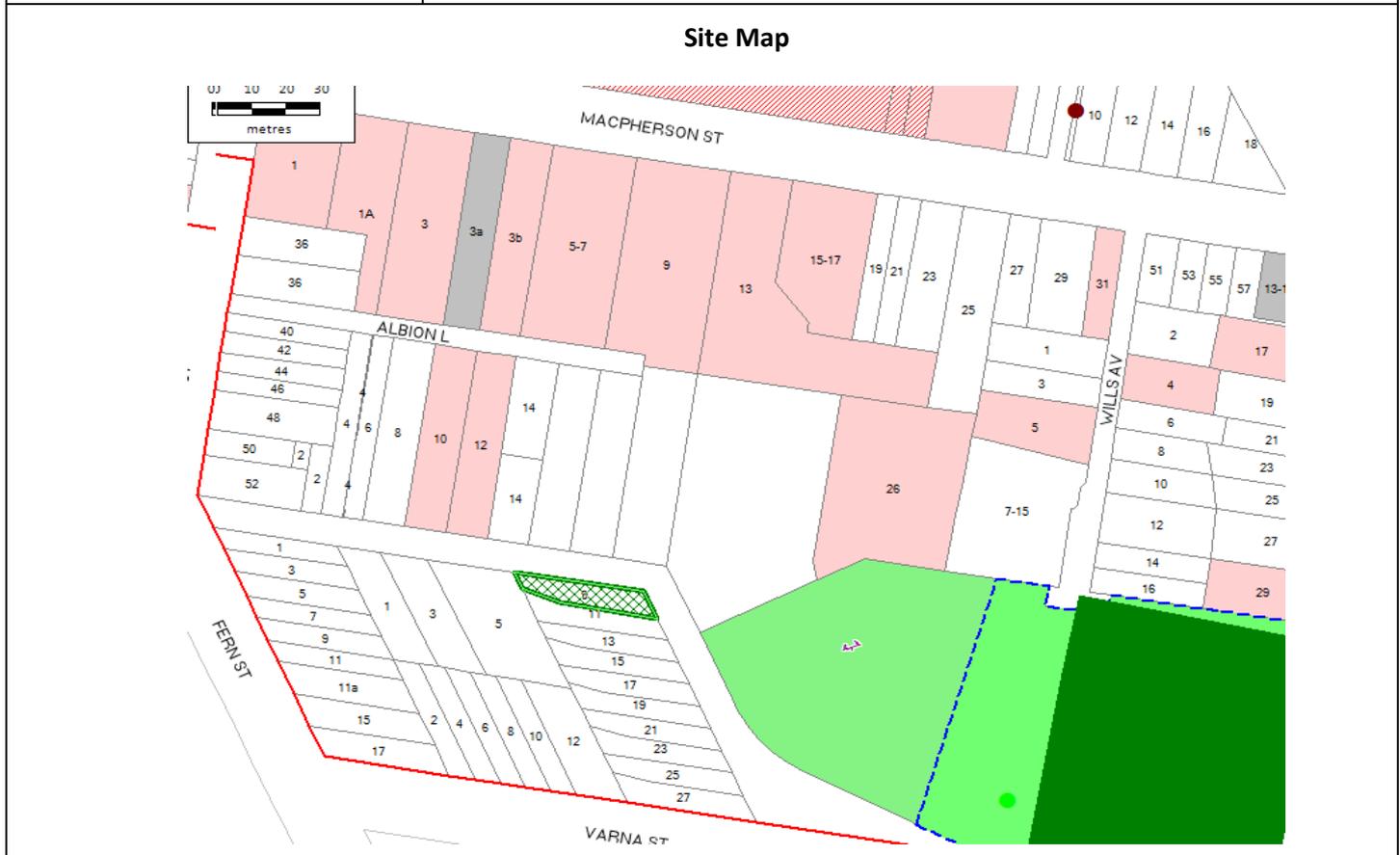
Report dated 17 May 2019 from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-416/2018
Site address	9 Wallace Street, WAVERLEY
Proposal	Alterations and additions to existing semi-detached dwelling including first floor addition and attached secondary dwelling
Date of lodgement	15 th November 2018
Owner/Applicant	Belinda Dawes and Zisimos Peshos
Submissions	None
Cost of works	\$324,240
Issues	Height exceeds LEP control
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 29th March 2019.

The site is identified as Lot A in DP 391041, known as 9 Wallace Street, WAVERLEY. The site is irregular in shape with a northern street boundary measuring 38.1m, eastern street frontage measuring 9.17m, western boundary measuring 6.05m and southern measuring 40.2m. The site has an area of 204.2 m² and falls from the rear towards the street frontage.

The site is occupied by a part two, part single storey semi-detached dwelling with vehicular access provided from Wallace Street. There is an integral garage located at the front (east) of the site.

The subject site is adjoined by a semi-detached dwelling to the south (no. 11). The locality contains a mix of residential development including townhouses, apartments and single residences to the west along Wallace Street. Immediately opposite the site, to the north, is the Greenwood Early Learning Childcare Centre and the Bronte Bowling Club.



Figure 1: Site viewed from Wallace Street (number 9 is the dwelling on the right)



Figure 2: Existing rear elevation of the site

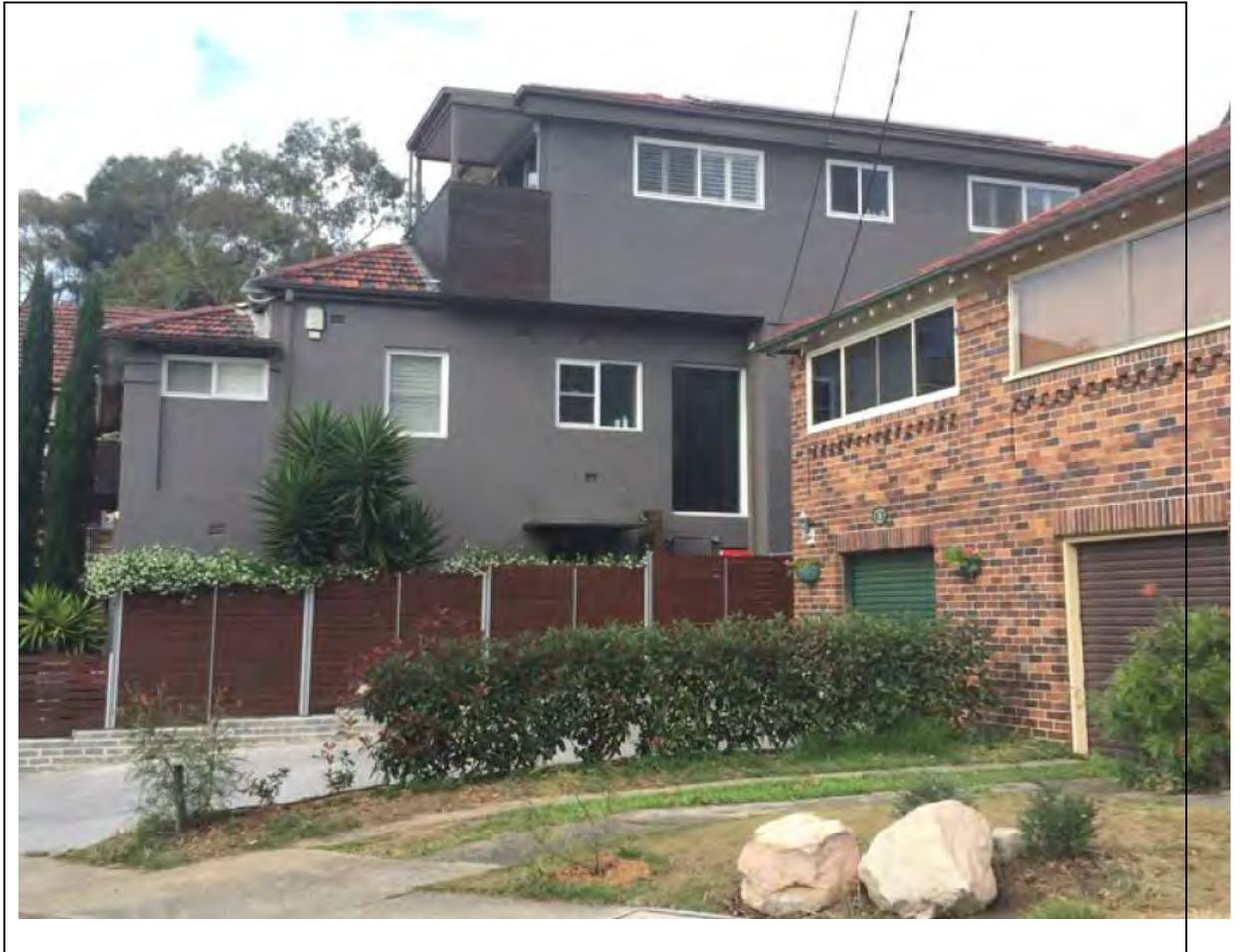


Figure 3: First floor addition at 13 Wallace Street

1.2 Relevant History

- TPO-214/2017- prune one bottle brush tree located left side of the garage
- TPO-82/2013- prune one bottle brush tree located left side of garage

1.3 Proposal

This application seeks approval for alterations and additions to an existing dwelling house including:

Lower Ground Floor (existing car parking level):

- Partial excavation below existing ground level.
- Reconfiguration of the existing garage and storerooms to create a one bedroom secondary dwelling.
- New windows and new entrance to be accessed separately from the primary dwelling.

Ground Floor:

- The construction of a new internal staircase, enlarged living room, reconfigured bathroom including laundry.
- Alterations to existing window within the existing kitchen.

First Floor:

- Creation of three bedrooms, study, bathroom and internal staircase. The level will overhang the ground floor to the north.

Landscape works:

- Renovation of the existing outdoor paved area, and the replacement of existing dilapidated garden retaining walls.
- New soft landscape and a new semi-permeable driveway utilising the existing driveway crossover.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP (Affordable Rental Housing) 2009

The application seeks consent to convert the existing integral garage and store rooms to a secondary dwelling. The provisions of SEPP (Affordable Rental Housing) 2009 apply to the proposal.

Division 2 of the SEPP relates to secondary dwellings with Clause 22 (3) outlining that the consent authority must not consent to development to which this Division applies unless:

- (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*

(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

It is noted that Waverley Local Environmental Plan 2012 (LEP 2012) stipulates that the total floor area of a secondary dwelling must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 30% of the total floor area of the principle dwelling.

The LEP allows a maximum FSR of 0.8:1. The proposed floor space of the primary dwelling equates to 148.63m² with an additional 55.57m² of floor space proposed for the secondary dwelling, therefore the total floor space equates to 204.2m² or 0.7 which is compliant with the maximum allowable FSR under the LEP and SEPP 2009 floor space control.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal complies with the general aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No - see discussion below	The proposal has an overall height of 9.8m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.8:1	Yes	The proposal has an FSR of 0.7:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
N/A		

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 9.8m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.3m or 15.29%.

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

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

Objectives (b) and (c) are not applicable to the subject site as they relate to Bondi Junction centre.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request prepared by East 8 Architects is summarised as follows:

- *The area of non-compliance is located at the front of the dwelling and is a function of the sloping nature of the site. The rear of the building complies with the height standard.*
- *As the area of non-compliance relates to the roof, there will be no loss of privacy. In respect of solar access, the shadow from the area of non-compliance will fall on the roof of the neighbouring building and will not affect the solar access of the relocated solar panels.*
- *In respect of bulk and visual intrusion, the area of non-compliance relates to the front portion a roof form with a pitch that falls away from the neighbour. While the area of non-compliance is perceivable from the street, it is not inconsistent with existing and recently approved dwellings of a similar height.*
- *The surrounding area comprises a number of examples of dwellings that exceed the height standard. A number of these dwellings have been recently approved as breaches to the LEP. The main reason for the height breaches for all of these examples is the topography. The proposal comprises an appropriate contextual fit in the area and is consistent with the existing character and the anticipated and desired future character, which is dictated by the site conditions.*
- *Recessing or reducing the roof form in order to achieve numerical compliance with the development standard would result in a worse environmental outcome and would comprise a roof form that is alien to the street and the desired future context. This would represent an awkward appearance not only for the dwelling but also for the streetscape.*

The applicant's written request has adequately addressed subclause (3) of Clause 4.6. Not only must the consent authority be satisfied those matters have been addressed, but whether the proposed development will be in the public interest because it is consistent with the objectives of the particular

standard and the objectives for development within the zone in which the development is proposed to be carried out. Those matters are explored below.

Amenity

Objective (a) of the Height development standard relates to the environmental amenity of neighbouring properties. The applicant has adequately demonstrated that the non-compliance with the height of buildings development standard will not result in discernible negative environmental impacts upon adjoining properties in terms of overshadowing, solar access, view loss and visual impacts. The proposal is considered to meet the requirements of objective (a) of the development standard.

Desired Future Character of the Area

The proposed additions are compatible with the FSR, bulk and scale of the existing and desired future character of the locality. It is acknowledged that exceedances in the height control can be observed at a number of surrounding properties due to the topography of the land. The subject site is located in an area with a mix of one and two-storey semi-detached dwelling houses and the proposed additions are not out of keeping with that predominant character. The minor height exceedance is not considered to be against the future desired character of the area.

The objectives of the R2 Low Density Residential Zone must also be considered. They are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development achieves the primary objectives of the zone by providing for the housing needs of the community within a low residential environment. The proposal involves alterations and additions to an existing dwelling house to create three additional bedrooms and bathroom at first floor level and the conversion of the existing garage to create a secondary dwelling. The proposal has been designed to protect the amenity of surrounding properties including solar access and privacy.

Therefore, the applicant has demonstrated that:

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

It is concluded that the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone. The non-compliance is therefore supported having specific regard to the provisions under clause 4.6(3) and (4) of Waverley LEP 2012. The Clause 4.6 statement is available for the Panel's consideration as the consent authority.

2.1.5 Waverley Development Control Plan 2012 (Amendment 6)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	The application is accompanied by a BASIX certificate with requirements for glazing and insulation. Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.
6. Stormwater	Yes	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
14. Excavation	Yes	The proposed excavation is minor and does not add to the scale of the building or result in the loss of naturally occurring sandstone.

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

The proposal is defined as a semi-detached dwelling in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP. Suitable conditions are recommended to reduce the bulk of the additional level to align with the extension at No. 11.

Development Control	Compliance	Comment
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	The proposed wall height of the dwelling is 8.5m. A detailed assessment of the height non-compliance can be found above.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	No changes are proposed to the existing front and rear building lines.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	<p>The northern side setback for the ground and lower ground floor levels remain as existing, between 1.7m and 3m.</p> <p>The first floor is proposed to overhang the ground floor and is to be setback between 1.7 and 1.8m. A condition is recommended to align the upper level with the ground and lower ground northern wall to reduce the bulk of the addition and to integrate better with the existing building.</p> <p>The southern side nil setback is maintained through all levels as it is a semi-detached dwelling.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 	Yes	<p>There are similar developments at other properties on the street.</p> <p>11, 13 and 25 Wallace Street all have first floor additions.</p> <p>The front elevation will remain substantially unchanged forward of the hipped roof apex and preserves the existing fabric of the building to match with the adjoining semi. A condition is recommended to ensure that the new first floor addition is setback further from the front elevation and aligns with the existing first floor extension on the adjoining semi at No. 11 Wallace Street. It is also to spring from the existing ridgeline, rather than step up.</p> <p>In addition, as discussed above, a condition is recommended requiring the upper level to align with the northern wall of the lower ground and ground levels to better integrate with the</p>

Development Control	Compliance	Comment
		<p>building and not appear so prominent within the streetscape.</p> <p>A condition is also recommended that the eastern elevation is parallel to the building, rather than the proposed angle.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. • External stairs are not acceptable. • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> • Roof tops to be non-trafficable unless predominant in the immediate vicinity 	Yes	<p>The visual and acoustic privacy of the neighbouring properties is unaffected by the proposal due to the orientation and position of the building as a corner semi with no direct facing neighbours to the north.</p> <p>The adjoining semi has a recently approved DA (DA-361/2017) to extend the first floor towards the west to align with the existing ground floor.</p> <p>The rear setback of 11.2m minimum from the rear boundary means that the windows in the western elevation do not result in adverse privacy impact for the neighbour at No 5-7 Wallace Street.</p> <p>No balconies or trafficable roof tops are proposed.</p>
2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The proposal does not significantly alter the existing solar access situation on site. Additional shadowing will be cast on the roof of the neighbouring property.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space 	Yes	<p>A landscaping plan is submitted as part of the application.</p> <p>59% of the site is provided as open space, 35% is landscaped.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • 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 		25m ² of private open space is provided, shared with the secondary dwelling.
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> • Additions to match the style of the original semi-detached dwelling • Existing roof form maintained forward of principle ridgeline • Use of roof as an attic permitted provided • Front verandahs to be maintained. 	Yes	<p>Whilst it is noted that the proposed first floor addition will result in asymmetry with the adjoining dwellings, it is consistent with approved development in the street. Several properties along the street have first floor roof additions of similar bulk and scale.</p> <p>The existing pitched roof form is maintained at the front.</p> <p>The additional height is required in order to provide adequate floor to ceiling height at first floor.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> • First floor addition to be setback from the principle street frontage and maintain the existing front roof slope • Additions to be located a minimum of 1m behind the front main gable • Flat roofs should be only used when not seen in a Heritage Conservation Area • Limit the rise of the interface with adjoining semi-detached dwelling to 600mm • First floor additions should match the style of the additions on the adjoining semi (if relevant). 	Yes	<p>A general modification condition is included requiring the first floor addition to be set back in line with the neighbouring first floor addition and spring from the existing ridgeline.</p> <p>The addition is set behind the front hipped roof apex.</p>

Development Control	Compliance	Comment
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> • Finishes and detailing are to be cohesive with the existing dwelling • Historic features of the roofscape are to be incorporated into the addition • Dormers roof forms are to match the style of the original dwelling • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style & character of the original building. 	Yes	The proposed material and finishes schedule is considered acceptable.
2.16 Secondary dwellings and ancillary buildings		
<p>2.16.1 - Secondary dwellings</p> <ul style="list-style-type: none"> • Comply with Clause 5.4(9) of the LEP. • Read as a secondary structure • If not to a laneway be max 3m in height 	Yes	The secondary dwelling is contained within the footprint of the existing dwelling and measures 55.57m ² .

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

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

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater

The submitted stormwater management plans have been reviewed and considered not satisfactory. A condition has been included requiring the submission of updated plans.

3.2 Sydney Water

No objection subject to the inclusion of recommended conditions.

4. SUMMARY

The application proposes alterations and additions to a semi-detached dwelling, including the construction of a first floor addition and the creation of a secondary dwelling.

The proposal exceeds the maximum height control of the LEP. A Clause 4.6 submission accompanies the application and the exceedance is considered to be justified. The excess height in the front portion of the addition is largely as a result of the site topography sloping down from the rear towards the street.

No submissions were received. The alterations and additions to the dwelling, subject to conditions, are considered to be acceptable in the context of the surrounding properties and will not result in adverse amenity impacts. The secondary dwelling is contained within the existing footprint of the dwelling and complies with the controls in the LEP.

The application is recommended for approval, subject to the conditions below.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Ellen Nicholson
Development Assessment Planner

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

Date:

Date: 15 May 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans:

Plan description	Revision No / Date	Date received by Council
Site Plan	Rev. B/ 01.05.19	02.05.2019
Lower Ground Floor Plan	Rev. A/ 04.11.18	15.11.2018
Ground Floor Plan	Rev. A/ 04.11.18	15.11.2018
First Floor Plan	Rev. B/ 01.05.19	02.05.2019
Elevations 1	Rev. B/ 01.05.19	02.05.2019
Elevations 2	Rev. B/ 01.05.19	02.05.2019
Sections	Rev. B / 01.05.19	02.05.2019

(b) Landscape Plan prepared by East 8 Architects, dated 04.11.18, and received by Council on 15.11.2018;

(c) BASIX Certificate;

(d) Schedule of external finishes and colours received by Council on 15.11.2018; and

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) The first floor addition is to be set back from the front of the dwelling to be in line with the roof of the first floor addition at the adjoining semi-detached dwelling (No. 11).

(b) The roof of the first floor addition is to spring from the existing ridgeline, to ensure the form is matched with the adjoining semi (No. 11).

(c) The northern facade of the first floor addition is to align with the northern facade of the lower ground and ground floor.

(d) The eastern façade of the first floor addition is to be parallel to the ground and lower ground façade and not on an angle as proposed.

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

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of certification or 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. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

4. APPROVED USE - DWELLING HOUSE WITH SECONDARY ACCOMMODATION

This application approves the use of the principle dwelling on site a single unit dwelling house. The secondary accommodation provided at the rear of the site (above the garage) is permitted as a secondary dwelling in accordance with SEPP (Affordable Rental Housing). In accordance with Clause 25 of the SEPP, consent will not be granted for the subdivision of a lot on which there is secondary accommodation.

5. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

7. SECTION 7.12 CONTRIBUTION

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

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:

(1) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

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

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

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

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

(a) A development valued at \$100,000 or less will be exempt from the levy.

(b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

(c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ 8,200 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

10. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

11. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste docket 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.

12. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

13. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration

emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

14. ENGINEERING DETAILS

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

15. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

16. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

17. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.

- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

18. UNDERGROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owners consent (from affected properties) for such works.

Please note, a fee will be approved applied for each anchor approved to extend into a road reserve.

19. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

20. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted for approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

21. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

22. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

23. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. PRIOR TO SITE WORKS

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

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

25. HOME BUILDING ACT

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

26. CONSTRUCTION SIGNS

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

27. OBSTRUCTION TO PUBLIC AREAS

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

28. COMPLIANCE WITH SAFE WORK NSW

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

29. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

30. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

31. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

32. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

33. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

34. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

35. EXCAVATION BELOW FOOTINGS

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

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

36. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

37. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (d) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

38. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

39. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

41. NATIONAL CONSTRUCTION CODE (NCC)

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

42. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

43. CERTIFICATE OF SURVEY – LEVELS

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

44. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

45. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

46. SERVICE PIPES

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

47. STREET TREES TO BE RETAINED

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

48. WORK OUTSIDE PROPERTY BOUNDARY

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

49. NO WORKS BEYOND BOUNDARIES

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

50. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

51. FINAL OCCUPATION CERTIFICATE

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

52. STORMWATER MANAGEMENT

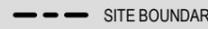
Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

53. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

LEGEND

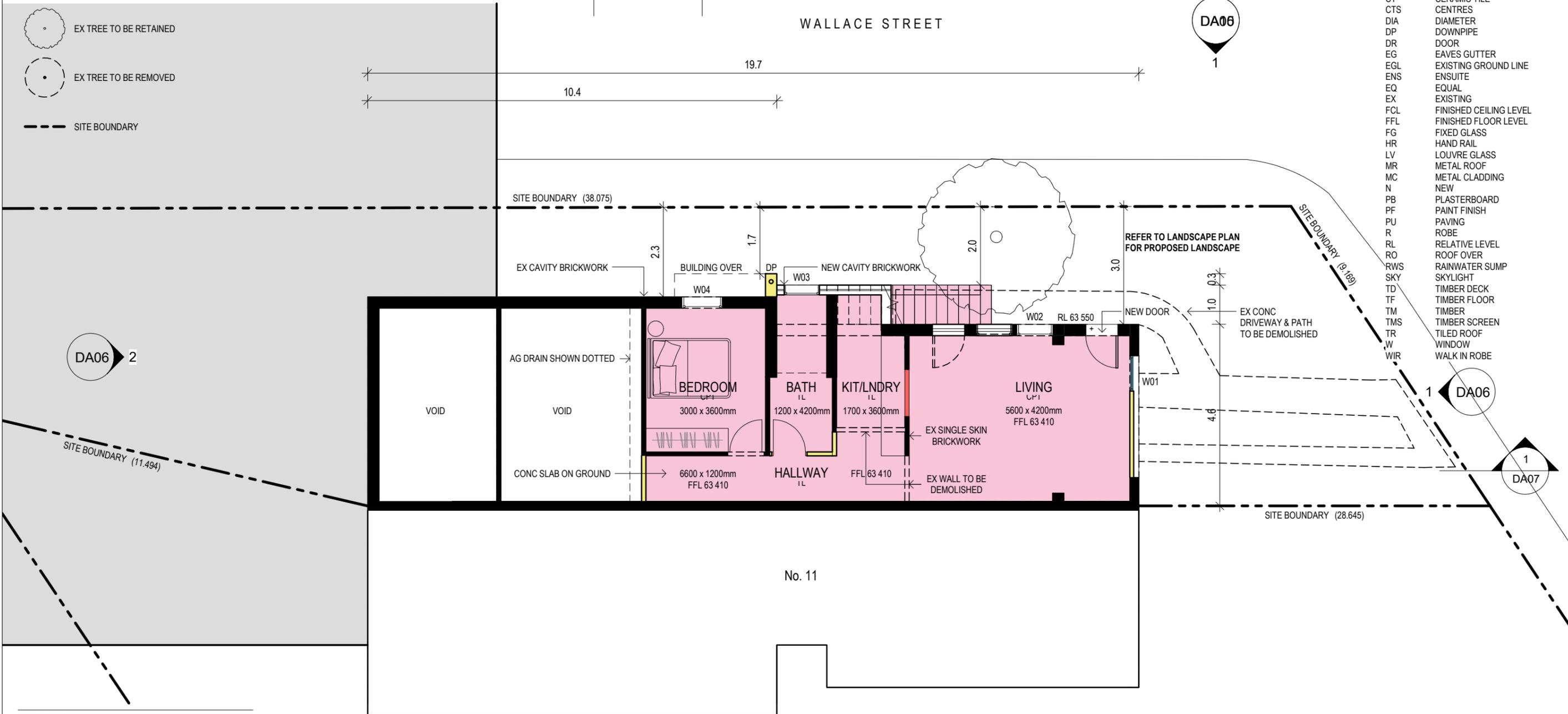
	
TIMBER STUD WALL / PARTITION	TIMBER
	
BRICKWORK WALL / PARTITION	CONCRETE
	
EXISTING TO BE RETAINED	METAL
	
EXISTING TO BE DEMOLISHED	GLASS

-  EX TREE TO BE RETAINED
-  EX TREE TO BE REMOVED
-  SITE BOUNDARY

ABBREVIATIONS

AL	ALUMINIUM
BG	BOX GUTTER
BK	BRICK
BLK	BLOCKWORK
CFC	COMPRESSED FIBRE CEMENT
CL	CENTRELINE
CMS	CORRUGATED METAL SHEET
CONC	CONCRETE
COS	CONFIRM ON SITE
CR	CEMENT RENDER
CT	CERAMIC TILE
CTS	CENTRES
DIA	DIAMETER
DP	DOWNPIPE
DR	DOOR
EG	EAVES GUTTER
EGL	EXISTING GROUND LINE
ENS	ENSUITE
EQ	EQUAL
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
HR	HAND RAIL
LV	LOUVRE GLASS
MR	METAL ROOF
MC	METAL CLADDING
N	NEW
PB	PLASTERBOARD
PF	PAINT FINISH
PU	PAVING
R	ROBE
RL	RELATIVE LEVEL
RO	ROOF OVER
RWS	RAINWATER SUMP
SKY	SKYLIGHT
TD	TIMBER DECK
TF	TIMBER FLOOR
TM	TIMBER
TMS	TIMBER SCREEN
TR	TILED ROOF
W	WINDOW
WIR	WALK IN ROBE

RECEIVED
Waverley Council
Application No: DA-416/2018
Date Received: 15/11/2018



AREA SUMMARY	
SITE	277.30m ²
EXISTING AREA	85.80m ²
PROPOSED AREA	118.40m ²
TOTAL	204.20m²

PRELIMINARY

No.	Date	Dwn	Chk	App	Revision or Reason For Issue
A	04.11.18	BD	BD		ISSUED FOR DA

No.	Date	Dwn	Chk	App	Revision or Reason For Issue

Scale / North Point
1 TO 100 (A3)

NORTH


General Notes
Do not scale from drawing. Use marked dimensions. To be read in conjunction with all other Architect's and Engineer's drawings. The Architect to be notified about any discrepancies. Copyright on this drawing retained by the Architect.

**E A S T 8
A R C H I T E C T S**

Architect
East 8 Architects ABN 54 219 672 262
Waverley NSW 2024
M 0438 561593

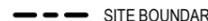
Project Title
ALTERATIONS & ADDITIONS TO
9 WALLACE ST, WAVERLEY

Client
ZIG PESHOS & BELINDA DAWES

Drawing Title LOWER GROUND FLOOR PLAN	
Project No. 0001	Drawing Number DA02
Drawing Status DA	Revision A 34

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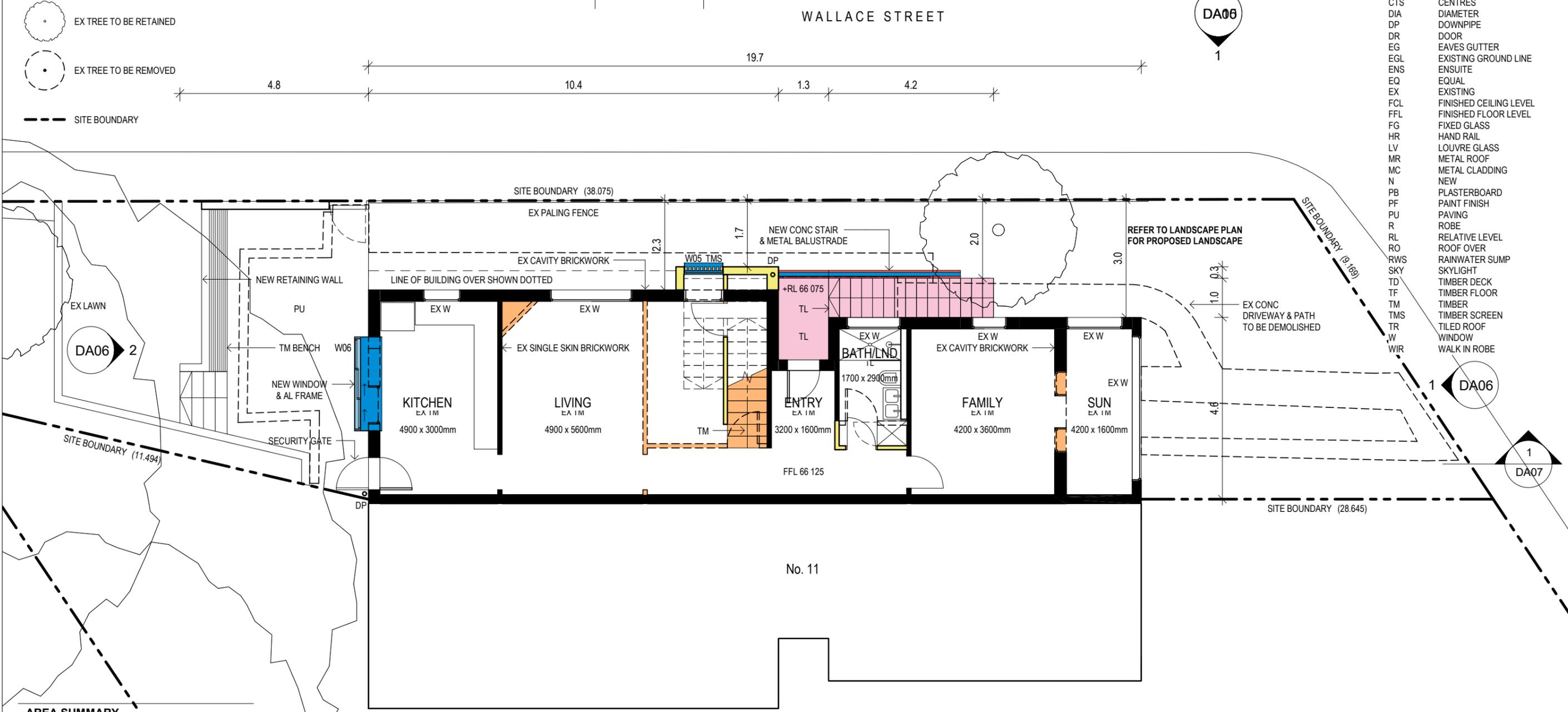
	
TIMBER STUD WALL / PARTITION	TIMBER
	
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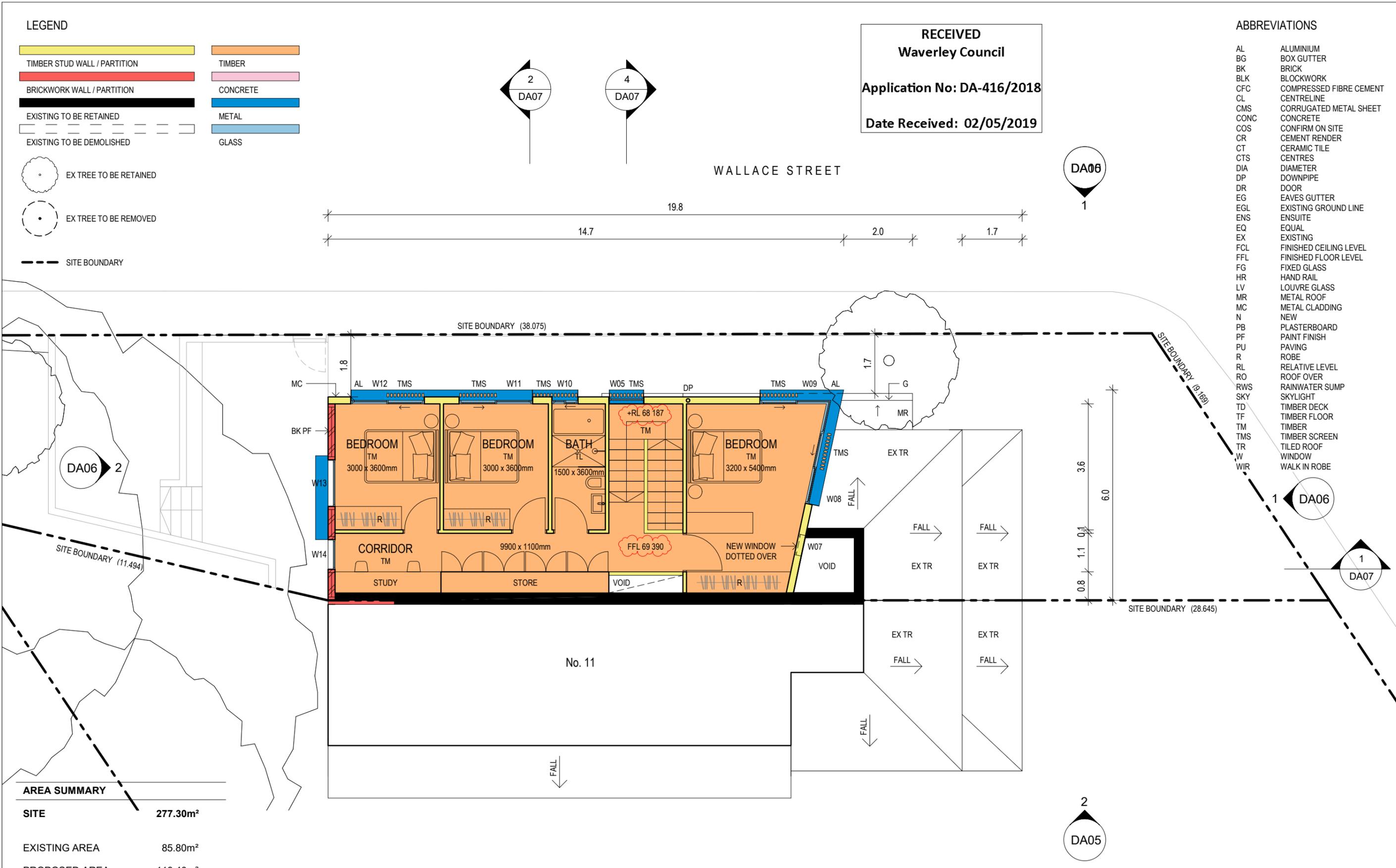
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-  EX TREE TO BE RETAINED
-  EX TREE TO BE REMOVED
-  SITE BOUNDARY

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AREA SUMMARY	
SITE	277.30m²
EXISTING AREA	85.80m ²
PROPOSED AREA	118.40m ²
TOTAL	204.20m²

No.	Date	Dwn	Chk	App	Revision or Reason For Issue
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B	01.05.19	BD	BD		REISSUED FOR DA

No.	Date	Dwn	Chk	App	Revision or Reason For Issue

Scale / North Point
1 TO 100 (A3)

NORTH


General Notes
Do not scale from drawing. Use marked dimensions. To be read in conjunction with all other Architect's and Engineer's drawings. The Architect to be notified about any discrepancies. Copyright on this drawing retained by the Architect.

E A S T 8
A R C H I T E C T S

Architect
East 8 Architects ABN 54 219 672 262
Waverley NSW 2024
M 0438 561593

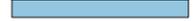
Project Title
ALTERATIONS & ADDITIONS TO
9 WALLACE ST, WAVERLEY

Client
ZIG PESHOS & BELINDA DAWES

PRELIMINARY

Drawing Title FIRST FLOOR PLAN	
Project No. 0001	Drawing Number DA04
Drawing Status DA	Revision B 36

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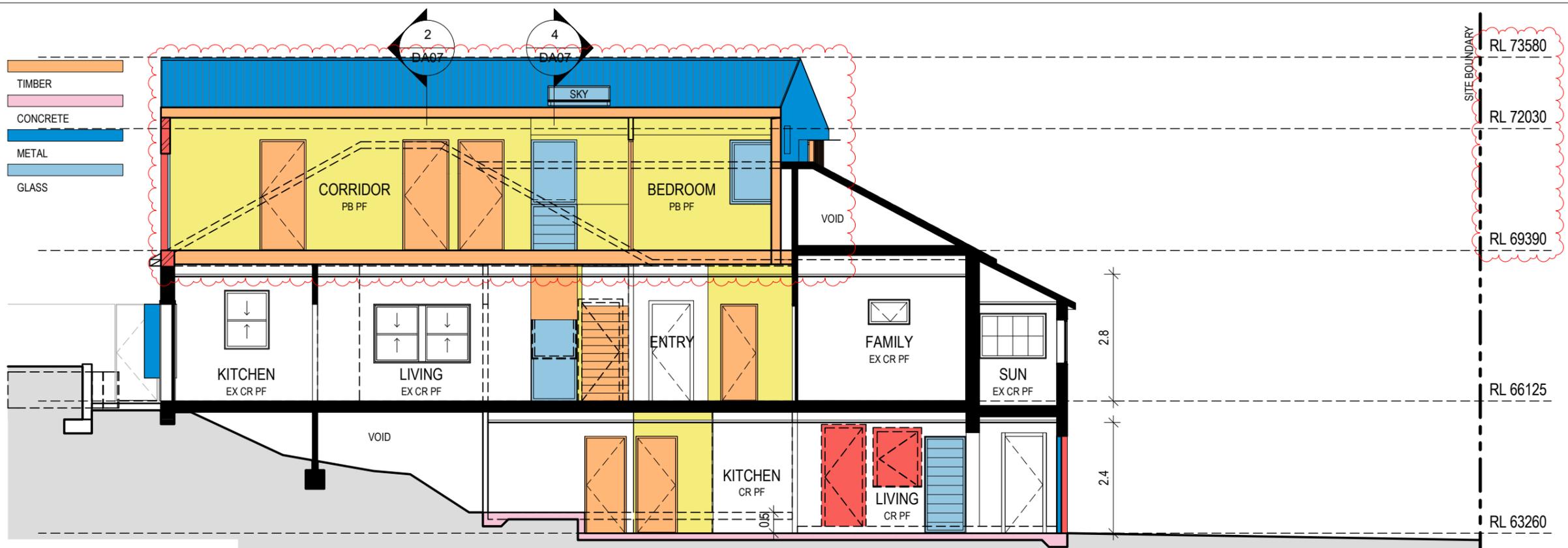
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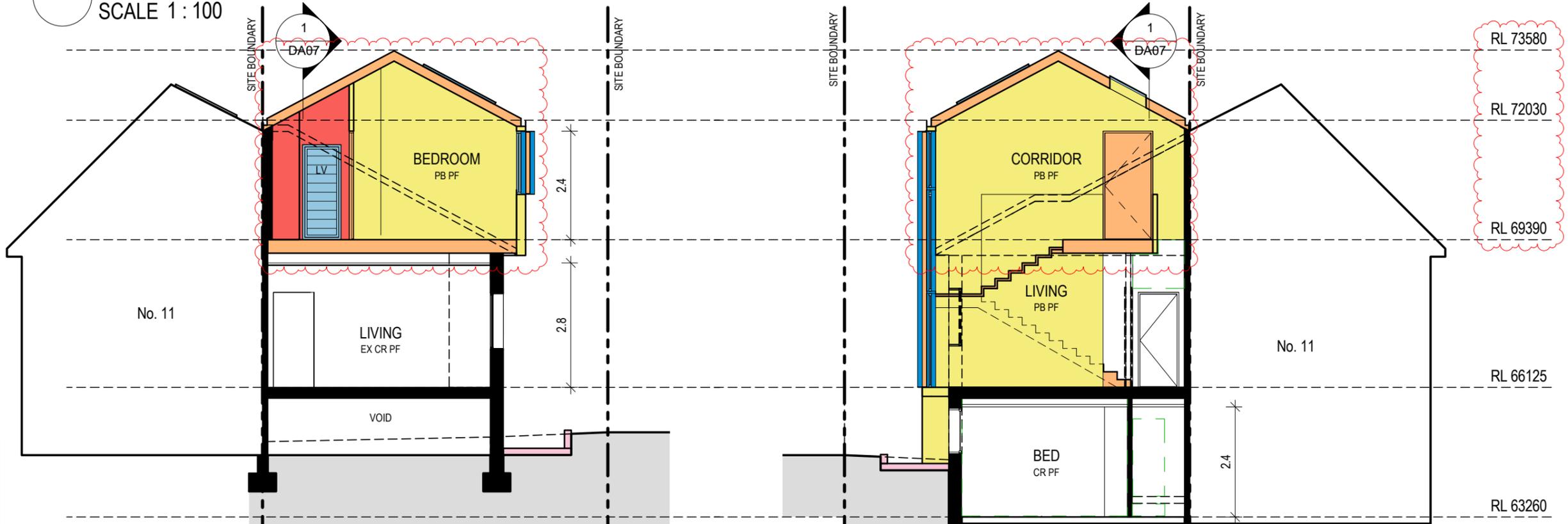
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1 SECTION A
SCALE 1 : 100



2 SECTION B
SCALE 1 : 100

4 SECTION C
SCALE 1 : 100

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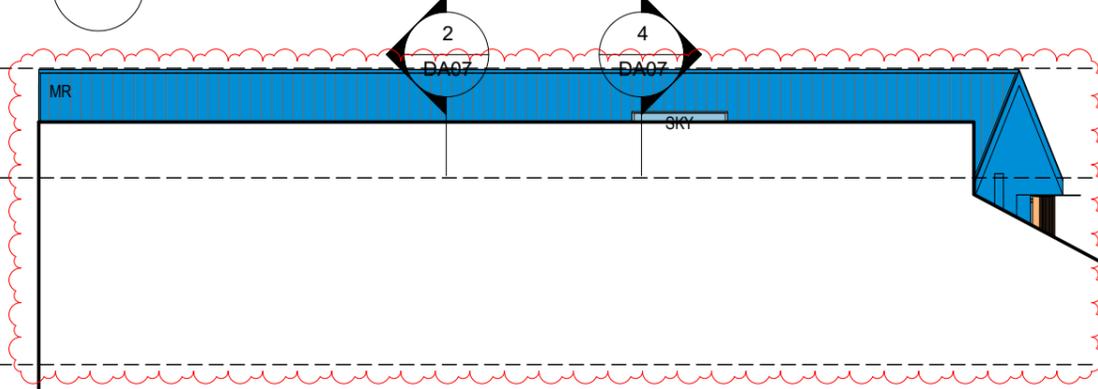
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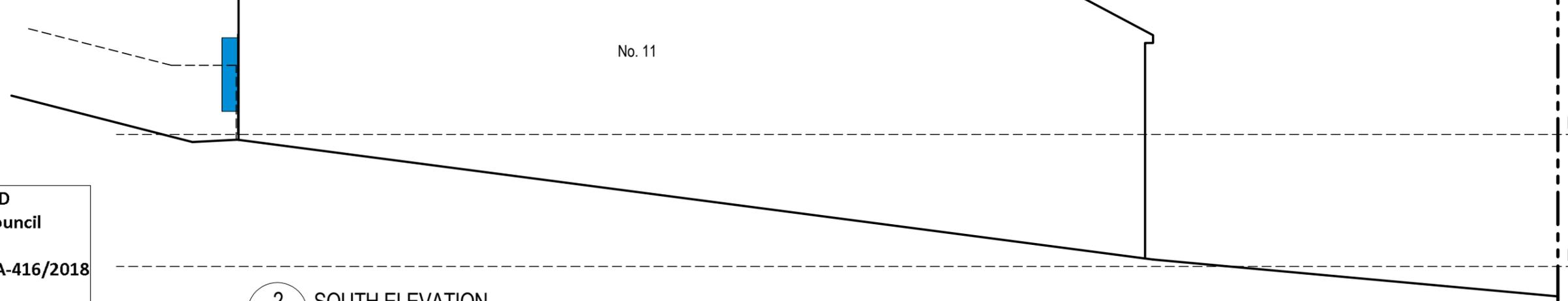
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WALLACE STREET

1 NORTH ELEVATION



2 SOUTH ELEVATION



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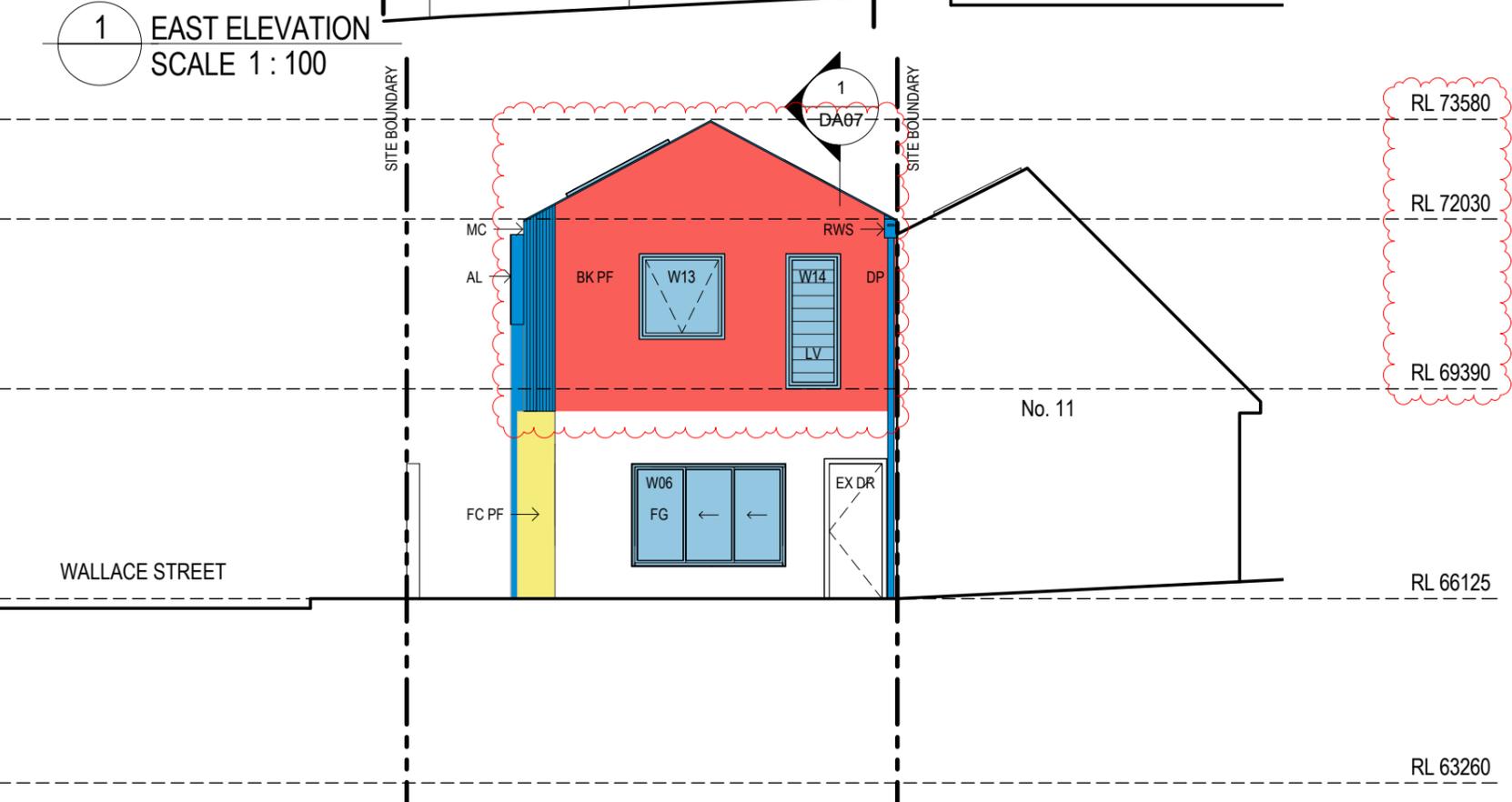
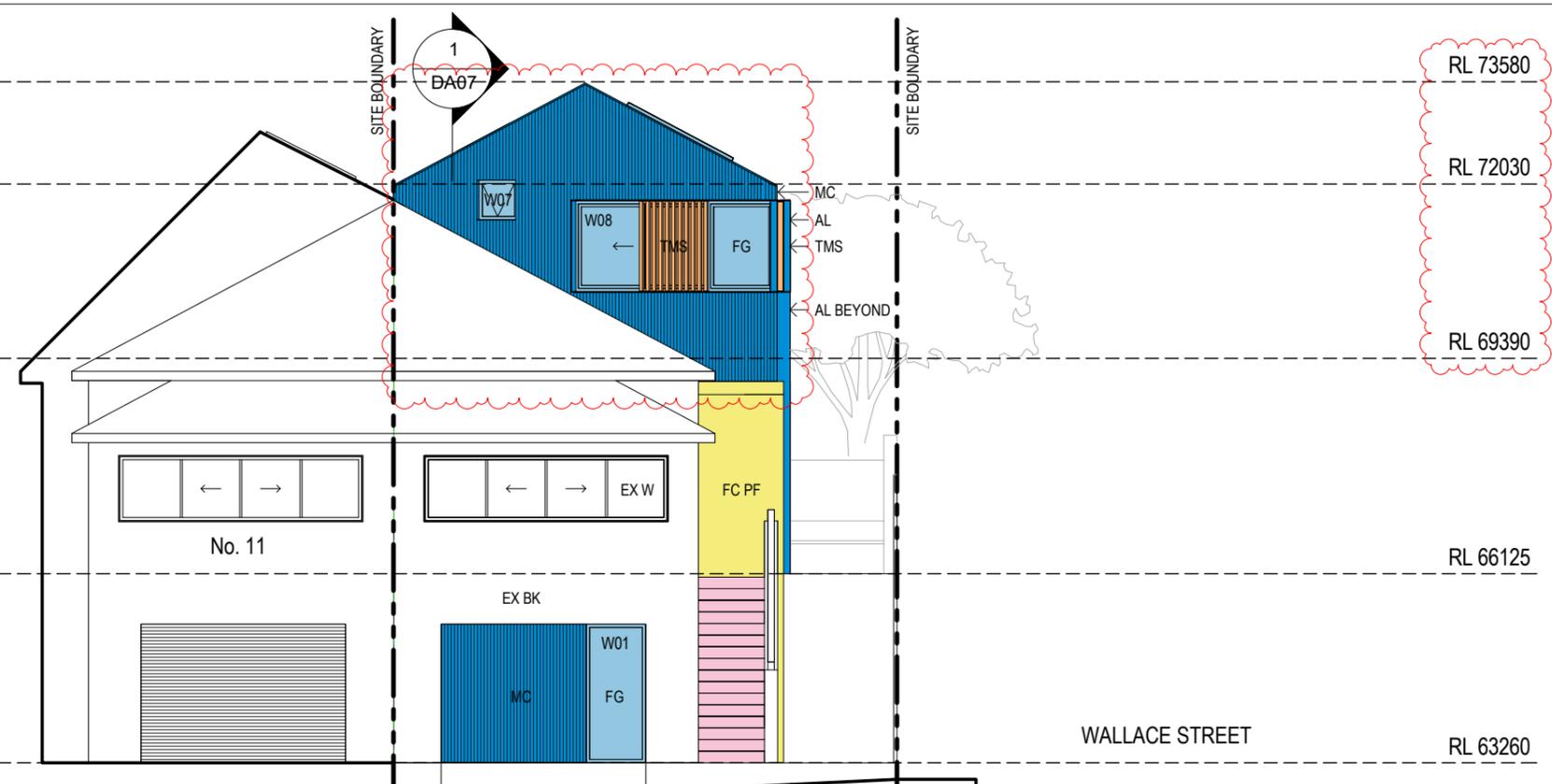
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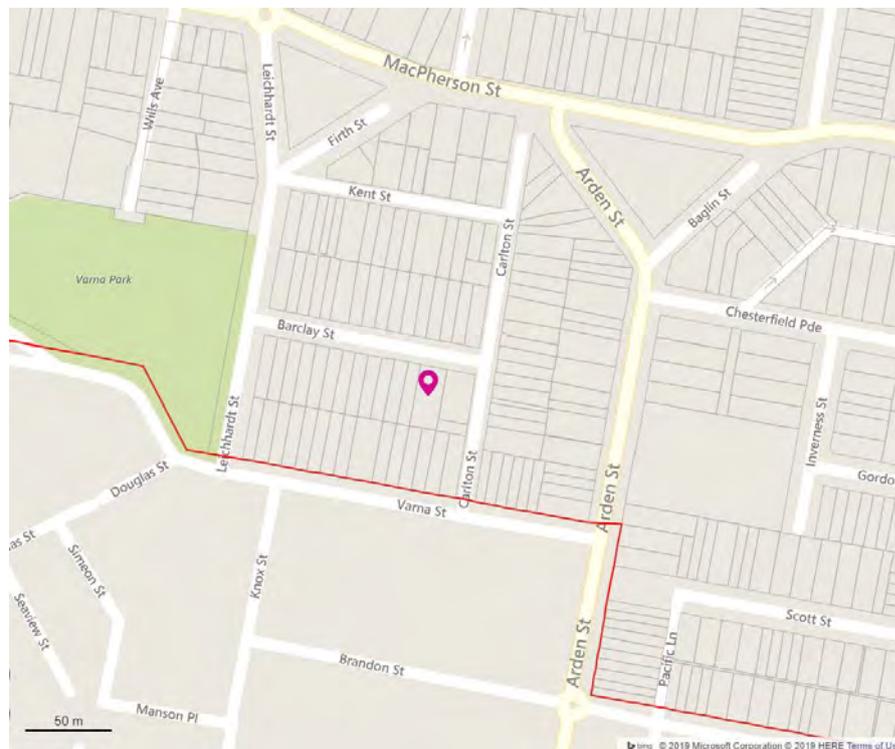
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Report to the Waverley Local Planning Panel

Application number	DA-206/2018
Site address	17 Barclay Street, Waverley
Proposal	Demolition of existing dwelling, Torrens title subdivision and construction of two semi-detached dwellings with swimming pools on each new lot
Date of lodgement	13 June 2018
Owner	Mr A and Mrs G Stuke
Applicant	Harry Henshaw-Hill
Submissions	Eleven submissions
Cost of works	\$1 350 000
Issues	Lot size and FSR
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 10 April 2019.

The site is identified as Lot 10 Sec 1 in DP 770, known as 17 Barclay Street, Waverley. The site is generally rectangular in shape with east and west (side) boundaries measuring 36.1m and 36.145m respectively and north (front) and south (rear) boundaries measuring 15.39m and 15.63m respectively. The site has an area of 560.11m² and falls from the front towards the rear by approximately 3m.

The site is occupied by a part one and two-storey detached dwelling with rear swimming pool. Vehicular access is provided from Barclay Street to a single garage within the front setback on the eastern side of the site.

The subject site is adjoined by detached dwellings on either side. The locality is characterised as low density residential dwellings including detached dwellings and pairs of semi-detached dwellings.



Figure 1: Site viewed from Barclay Street (Source: GoogleMaps)



Figure 2: Site viewed from the rear

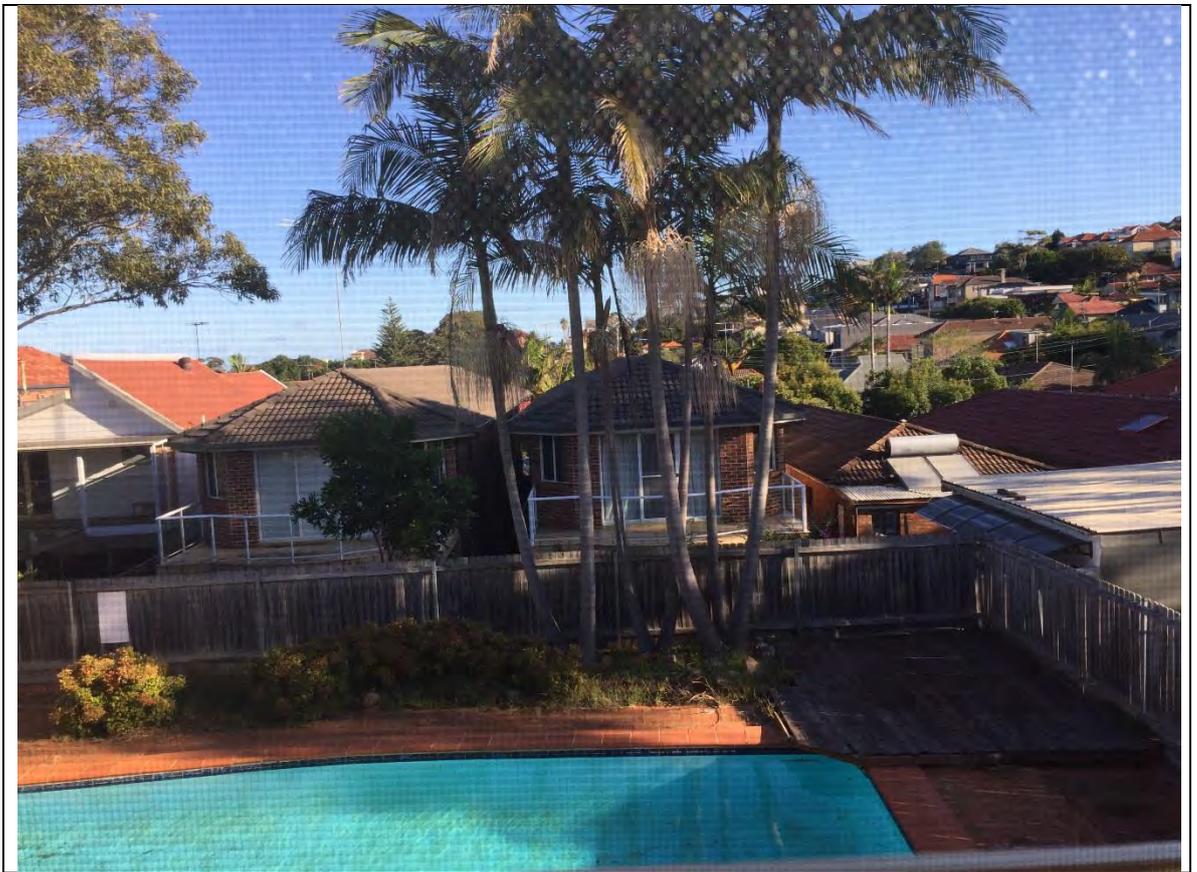


Figure 3: Properties to the rear (south) of the site as viewed from the existing first floor level

1.2 Relevant History

The following applications are relevant to the subject site:

- BA-321/1995: Construction of a garage to the existing dwelling was approved 7 July 1995.
- BA-334/1998: Construction of a new front fence was approved 16 July 1998.
- DA-515/2003: Alterations and additions including a verandah enclosure was approved 30 September 2003.
- DA-42/2004: Alterations and additions including additional storey extension balcony and front fence was approved 5 April 2004.
- DA-475/2007: Alterations and additions to existing dwelling including additional storey was approved 18 June 2008.

Pre-DA advice (**PD-56/2017**) relating to demolition of the existing dwelling, Torrens title subdivision and two new semi-detached dwellings was provided by Council January 2018. Advice provided related to minimum lot sizes, FSR, height and compliance with the DCP controls.

After preliminary assessment of the subject application, it was deferred on 11 February 2019 to address bulk and scale, balcony size and privacy impacts, boundary fencing, landscaping and the location of pool plant.

Amended plans and documentation were provided on 5 March 2019 which were renotified to surrounding properties. Further information and correction of plans and documentation, in particular the 'Objections to Development Standards under Clause 4.6' in relation to FSR and lot size, was requested by Council Officers on 16 April 2019. This information was provided to Council on 7 May 2019 and forms the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of the existing dwelling, swimming pool and structures on the site and construction of a pair of semi-detached dwellings.

Each dwelling will mirror image the other, presenting to the street as two-storeys with three levels stepping down the site to the rear with the fall of the land. Each dwelling provides an integrated single garage at the front accessed via two separate driveways with pedestrian entry to the dwelling adjacent.

Each dwelling provides the living area at the lower ground floor level with direct access to the rear yard containing decking with retractable Pergola over and a swimming pool. The ground and first floor levels provide four bedrooms, two bathrooms and a small study. Rear balconies are included at the elevated ground level and the first floor level, all accessed from bedrooms. A small balcony, accessed from a small study which is part of the Master suite, is provided on the front elevation of each dwelling.

The proposal also includes Torrens Title subdivision into two lots, 17/A having a site area of 282.22m² and 17 having a site area of 277.22m².

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The proposal seeks development consent for Torrens title subdivision of the land.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal, before Torrens title subdivision, is defined as a ‘dual occupancy’ development. A semi-detached dwelling is defined as ‘ <i>a dwelling that is on its own lot of land and is attached to only one other dwelling.</i> ’ Should this application be approved and the land formally subdivided, then the development would be defined as ‘ <i>semi-</i>

Provision	Compliance	Comment
		<p><i>detached dwellings</i>'. Both land uses are permitted with consent in the R2 zone.</p> <p>The proposal is consistent with the objectives of the zone.</p>
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> • 325m² 	No	The proposal provides the following lot sizes: <ul style="list-style-type: none"> • Lot A (17/A): Lot size of 282.22m² which varies the development standard by 42.78m² or 13%. • Lot B (17): Lot size of 277.88m² which varies the development standard by 47.12m² or 14.5%. This is discussed further below.
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	Yes	The proposal has a maximum height of 8.5m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.5:1 	No	The proposal has an FSR of 0.79:1 exceeding the 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 lot size and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation within the footprint of the building. All standard conditions are recommended.

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

Exceptions to Development Standards

Clause 4.1 Minimum subdivision lot size

The size of the lots resulting from the proposed subdivision of the site are 282.22m² and 277.88m², both of which are less than the minimum subdivision lot size development standard of 325m² prescribed under clause 4.1 of Waverley LEP 2012 by the following:

- **Lot A**: Lot size of 282.22m² which varies the development standard by 42.78m² or 13%.
- **Lot B**: Lot size of 277.88m² which varies the development standard by 47.12m² or 14.5%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The development is consistent with the predominant subdivision pattern of the area as illustrated by the cadastral map. This map illustrates that the current allotment is atypical of the dominant subdivision of the street block in which it resides.
- The proposal seeks approval for both the subdivision of the site and construction of two dwellings. The proposed dwellings are compliant with the front, side and rear setbacks, landscaped area requirement and are also below the height requirement of the LEP.
- The non-compliance is minor in nature and given the width of the proposed allotments, will not be noticeable when viewed from the street.
- The proposal promotes the orderly and economic development of land.
- The proposal will not have any adverse amenity impacts.
- The proposal is consistent with the zone objectives and the underlying objectives of the control.

The objectives of the lot size development standard is as follows:

(1) The objectives of this clause 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.*

Figure 4 (below) shows the subdivision pattern for Barclay Street and it is clear that No. 17 is an anomaly within the street, at 570.11m².

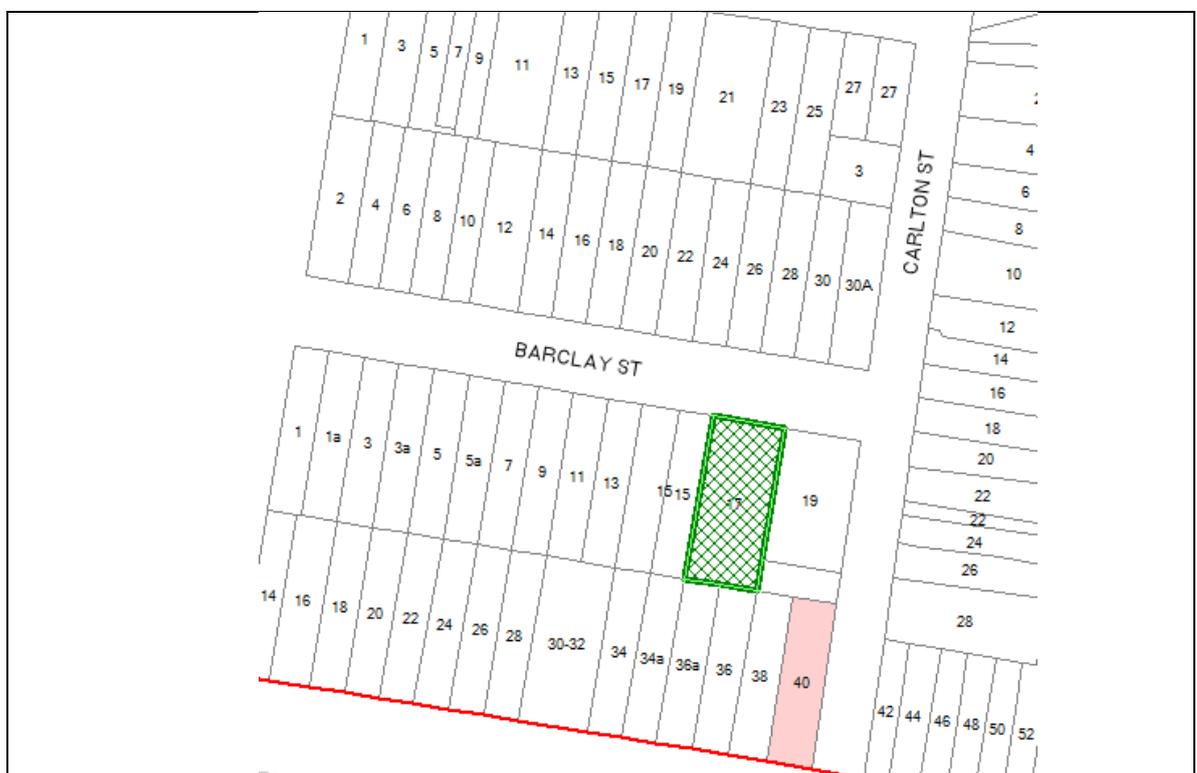


Figure 4: Subdivision pattern

The following table provides approximate areas for the sites on the southern side of Barclay Street based on Council's land and property information:

Street No.	Approx. Area (m ²)	Street No.	Approx. Area (m ²)
1	275.2	1a	278.7
3	278.2	3a	277.8
5	285.8	5a	280.6
7	273.1	9	272.3
11	277.6	13	273.1
15 (comprised of 2 lots)	288.2 264.4	17	570.2
19 (comprised of 2 lots)	493.7 118.9		

As demonstrated in the above table, the majority of lots on the street are similarly sized to the proposed new lots of 282.22m² and 277.88m². There is a similar pattern of lot sizes to the properties on the northern side of Barclay Street and the properties to the south fronting Varna Street. Accordingly the proposal reflects and reinforces the predominant subdivision pattern of the area consistent with objective (a).

As will be detailed in subsequent sections of this report, the proposal will not have unreasonable amenity impacts upon surrounding properties, consistent with objective (b).

The applicant's justification is accepted. The lots within this street are undersized compared to the development standard and the proposed lots are consistent with the subdivision pattern (and sizes) in this locality. The subdivision does not introduce greater amenity impacts upon surrounding properties and there are sufficient environmental planning grounds to support the variation.

The subdivision is consistent with the objectives of the development standard and the R2 Low Density Residential zoning, which permits dual occupancy and semi-detached dwelling development. Mandating compliance with the development standard is not reasonable or necessary on this site.

The arguments in the written request are considered valid and reasonable. Accordingly, in accordance with subclauses (3) and (4), it is considered that compliance with the lot size development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.79:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 165.2m² in gross floor area or 59%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The development is consistent with the intent of the maximum FSR control and will provide two attractive buildings that appropriately address the street.
- The development is consistent with the floor space ratio envisioned by clause 4.4A of the LEP for lots less than 550m² in area. Given this, and the prevalent lot size in the street block on

which the development site is located, the proposed FSR is consistent with both the existing and likely future FSR of the immediate area.

- The development complies with the height development standard.
- Impacts to the streetscape are negligible as the additional floor space will not be visually noticeable when viewed from street level.
- The proposal promotes the orderly and economic development of land.
- The proposal will not have adverse impacts upon the amenity of surrounding properties.
- The proposal is consistent with the objectives of the zone and the development standard.

The objectives of the FSR development standard within the LEP are:

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

Objective (a) is not relevant to the subject site.

It is worth noting that upon subdivision of the lots into two separate allotments, the maximum FSR would be 0.79:1 (Lot A) and 0.80:1 (Lot B). The proposed dwelling on each lot would comply with the FSR development standard. In this regard, the non-compliance is a technical non-compliance in that the lots have not yet been subdivided.

Notwithstanding, the proposal has been designed to be consistent with recent development within the street incorporating a two-storey scale at street level stepping down the site to ensure compliance with the height development standard. The street is characterised by pairs of semi-detached dwellings with which the subject development is consistent. More recent development within the street is consistent with the contemporary two-storey scale of the subject proposal. In this regard, the proposal is considered to be consistent with objectives (b) and (c).

As will be detailed in subsequent sections of this report, the proposal will not have unreasonable amenity impacts upon surrounding properties, consistent with objective (d).

The arguments in the written request are considered valid and reasonable. Accordingly, in accordance with subclauses (3) and (4), it is considered that compliance with the FSR development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

2.1.4 Waverley Development Control Plan 2012 – Amendment No. 5

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>A Site Waste and Recycling Management Plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding on-going waste on site.</p> <p>The waste and recycling storage area is located in an area convenient for users of the site and for collection.</p>
2. Energy and water conservation	Yes	<p>The proposal incorporates passive design, contains rainwater tanks and a condition will be imposed to ensure that solid fuel heating is not used.</p> <p>Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.</p>
5. Tree preservation		<p>The following comments were made by Council's Tree Preservation Officer:</p> <ul style="list-style-type: none"> • <i>Situated on the above property were three (3) Archontophoenix cunninghamiana (banglow palm) these trees possess no outstanding attributes worthy of retention and their removal is supported.</i> • <i>Situated on the naturestrip in Barclay Street, are two (2) Brachychiton acerifolius (Illawarra flame tree). The tree to the west is in poor health and removal is supported. The tree to the east is in good health and is to be retained and protected.</i> • <i>The landscape plan should be amended to show two trees that grow to a height of 5m at maturity planted within the front yards of each dwelling.</i> <p>The amended plans retain the eastern street tree and remove the western street tree and replace with another Illawarra Flame Tree. The amended landscaping plan also provides a new tree within the front setback of each dwelling and plants with a 3m mature height within the</p>

Development Control	Compliance	Comment
		planting area along the rear boundary of the site consistent with the matters raised in the deferral letter (refer to Section 1.2 of this report).
6. Stormwater	Yes	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
8. Transport	Yes	<p>The proposed garages have a satisfactory streetscape impact, following the guidance of the DCP controls.</p> <p>The vehicular access to each site is limited to one cross over, is satisfactorily located and complies with the minimum required dimensions and other technical requirements. The driveway crossings retain one on-street parking space between them and will not result in a net loss of on-street parking given that each dwelling will have parking for two spaces (one on the driveway in front of the garage) on-site.</p> <p>The car parking proposed compliments the design of the building and streetscape, is behind the front building line, does not reduce the number of on street spaces or exceed the maximum rate of parking permitted in the parking zone.</p>
10. Safety	Yes	<p>The proposal provides clear and legible entries visible from the street. The low front boundary fences allow views into, and out of, the front setbacks improving the security of the sites. The front doors are clearly visible from the public domain.</p> <p>The balconies and study windows at the first floor levels overlook the street providing passive surveillance.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
<p>1.1.1 Flat roof dwelling house</p> <ul style="list-style-type: none"> • Maximum overall building height of 7.5m 	No	<p>The proposal provides an overall height of 8.5m consistent with the development standard of the LEP. The LEP is a higher order control and overrides the provisions of a DCP where there is conflict between the two.</p> <p>The proposal has been designed to set the first floor level in from the levels below and step down in height with the fall of the land from the front to the rear. This provides a lower wall height and breaks up the bulk of the building when viewed from adjoining properties both at the rear and the adjoining sides. The proposal is under the 7.5m height control at the street and at the rear with only the central part of the building exceeding the control where the land slopes downhill. The proposal therefore presents to the street and the properties at the rear with an appropriate height, stepping with the slope of the land. This is considered acceptable and the variation to the control is supported, noting that the higher order LEP height development standard is complied with.</p> <p>It is worth noting, that the most current DCP, being Amendment 6, has amended this control to allow a maximum wall height of 7.5m for flat roofed dwellings, rather than maximum height overall. Although, DCP Amendment 5 applies to the subject proposal given the date of lodgement, it would comply with this control with a maximum wall height of approximately 7m.</p>
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	<p>The proposal has been amended since it was first submitted to increase the front setback at the first floor level marginally to align with the pattern of development within the street. The ground floor level is set further back than the level above and the streetscape.</p> <p>The rear setbacks generally align with surrounding development at the lower ground and ground floor level. A Vergola structure extends beyond the rear alignment; however,</p>

Development Control	Compliance	Comment
		<p>this is a semi-open low structure at the excavated lower ground floor level and will not result in unreasonable impacts.</p> <p>On the southern side of Barclay Street, the vast majority of buildings present to the street as single storey increasing to two-storeys at the rear. In this regard, there is no predominant building line for the proposed first floor level. The proposal has been designed to contain the first floor level toward the front of the site being set back from the rear boundary by more than 17m. This reduces the bulk of the building at the rear reducing impacts upon surrounding properties in terms of privacy and overshadowing. In this regard, the setbacks of the first floor level are considered acceptable.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 900mm 	Yes	<p>Although the proposal is over three levels, the building complies with the height development standard and as such, a 900mm side setback is required.</p> <p>The proposal provides 900mm side setbacks at the lower ground and ground floor level increasing to 2.025m and 2100mm at the first floor level.</p>
1.3 Excavation		
<ul style="list-style-type: none"> • Minimum setback of 0.9m from side boundaries 	Yes	<p>There will be excavation within the side boundary setbacks to accommodate the lower ground floor level. All standard conditions in relation to excavation are included in Appendix A. This is considered acceptable.</p>
1.4 Streetscape and visual impact		
Impact upon the streetscape	Yes	<p>Barclay Street has a variety of architectural styles with no uniform design to the streetscape. Recent development within the street incorporates flat roofed forms with contemporary design. The proposal provides a pair of flat-roofed contemporary buildings with modern finishes that will be consistent with the emerging character of the street.</p>
1.5 Dual occupancy development		
<p><i>Minimum lot size:</i></p> <ul style="list-style-type: none"> • 450m² for attached • 600m² for detached 	Yes	<p>The proposal is for an attached dual occupancy and the area of the site is 560.11m².</p>

Development Control	Compliance	Comment
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> • Maximum height of 1.2m • Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> • Maximum height of 1.8m 	<p>Yes</p> <p>Yes</p>	<p>The front boundary fence and side returns do not exceed 1.2m in height with a semi-open design.</p> <p>Side and rear boundary fencing is 1800mm high timber paling.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. • External stairs are not acceptable. • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p>	<p>All windows on the side elevations are highlight windows and will have minimal privacy impacts.</p> <p>New balconies accessed from bedrooms with full height glazing are proposed at the rear. The amended design has reduced the size and width of all rear balconies. Given the separation distances of 11.5m to the ground floor level (elevated at rear) and 17m to the first floor level, and that the balconies are to bedrooms which are rooms of low use with few privacy impacts, the balconies and associated windows are considered acceptable.</p> <p>The proposal includes front balconies and windows overlooking the street where privacy levels are low and the front yards of adjoining properties. The balconies are very small in size and are accessed via a small study within the master bedroom. Given the small size and access from a room of low use, these balconies are unlikely to be highly utilised and will not have unreasonable privacy impacts upon surrounding properties.</p>
1.9 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to living areas and principal 	<p>Yes</p>	<p>The living area windows on the rear elevation and the principle area of private open space are on the south side of the building due to the orientation of the site. This is an existing and accepted constraint of the site. Notwithstanding, the proposal incorporates a large central skylight with associated voids through each level to provide natural light and solar access to the lower levels. This is considered a satisfactory solution.</p> <p>Shadow diagrams in plan form and 'view from the sun' drawings were provided which indicate that there will be some additional</p>

Development Control	Compliance	Comment
open space areas of adjoining properties on 21 June		<p>overshadowing of the adjoining properties. However, this will be marginal as most additional overshadowing will fall within existing shadows from the subject site and surrounding properties.</p> <p>The overshadowing impacts of the proposal are not considered unreasonable particularly given the compliance of the proposal with the height and FSR (upon subdivision) development standards of the LEP and the built form controls of the DCP.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>No objection was raised from surrounding properties regarding loss of significant views.</p> <p>Notwithstanding, the Pacific Ocean and coastline are located to the south-east of the site and as such any potential significant views would be from properties on the opposite side of Barclay Street and beyond to Kent Street and would be over the front boundary of the subject site.</p> <p>The proposal complies with the height development standard and upon subdivision, the FSR development standard of the LEP and generally with the built controls of the DCP. The proposal also incorporates increased setbacks of 2.1m to the upper floor level allowing any potential view impact to be minimised.</p> <p>As such any potential significant view loss would be considered to be a reasonable impact. The proposal is consistent with the Tenacity Planning Principles.</p>
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	The proposal provides two spaces per dwelling, one within a single garage and a hardstand space on the driveway within the front setback.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings 	Yes	The garages are integrated into the design of each dwelling behind the front building line.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Consistent with hierarchy of preferred car parking locations 		
1.11.3 Design	Yes	<p>The garages have been designed to complement the style and massing of the dwellings with an integrated design.</p> <p>The proposal complies with this part of the DCP.</p>
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garages are 6m x 4m and the hardstand spaces on the driveway are 6m x 3m.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	<p>Each dwelling provides a driveway with a width of 3m (excluding splays) at the street.</p> <p>The site has an existing driveway crossing that will be relocated further to the west. Survey data indicates that there will continue to be one on-street parking space retained between the two new driveway crossings. This ensures that there is a loss of only one on-street parking space as a result of the proposal.</p> <p>At present the site provides a single car space for the use of one dwelling. The proposal will provide four car spaces for the use of two dwellings with the loss of one on-street space. In this regard, the proposal will provide a net gain of one parking space. This is considered acceptable and in accordance with the parking controls.</p>
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes Yes (on merit)	<ul style="list-style-type: none"> Open space is 50% of the site. Landscaped area is 20% of the site. Each dwelling provides 60m² as a principle area of private open space within the rear yard. 100% of the front setback is open space. 42% of the front setback is landscaped area which is a minor technical non-compliance and due to the fact that 100% of the front is open space. The front setbacks provide sufficient area for landscaping and a large tree in the front yard in addition to lower

Development Control	Compliance	Comment
		level planting. The front landscaping is considered acceptable.
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The swimming pools are located within the rear yards of the site. The amended plans have set the pools back from the rear boundary to incorporate landscaping along the rear boundary with trees to a mature height of 3m for privacy.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

The original application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Nine submissions were received.

The amended application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Eleven submissions were received, seven of which were *pro forma* letters.

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

Table 4: Summary of property addresses that lodged a submission

Property
19 Barclay Street, Waverley (unique)
22 Barclay Street, Waverley (unique)
28 Barclay Street, Waverley (unique)
36 Varna Street, Waverley (unique)
36A Varna Street, Waverley (unique)
38 Varna Street, Waverley (<i>pro forma</i>)
1/40 Varna Street, Waverley (<i>pro forma</i>)
8 Carlton Street, Waverley (<i>pro forma</i>)
10 Carlton Street, Waverley (<i>pro forma</i>)
12 Carlton Street, Waverley (<i>pro forma</i>)
14 Carlton Street, Waverley (<i>pro forma</i>)
16 Carlton Street, Waverley (<i>pro forma</i>)
28 Carlton Street, Waverley (unique)
38 Boundary Street, Bronte (unique)
Bronte Beach Precinct

Issue:

- *Non-compliances with the LEP and DCP;*
- *Overshadowing;*
- *Exceeds the DCP height control;*
- *Streetscape;*
- *Visual and acoustic privacy impacts;*
- *Inadequate landscaping;*
- *Loss of on-street parking;*
- *Removal of trees;*
- *No solar access for the new dwellings;*
- *Swimming pools;*
- *Rear setbacks*

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

Issue: Inaccuracies in the documentation/plans.

Response: Where required, documents and plans have been amended to provide the correct information. The information before Council is considered acceptable for assessment purposes.

Issue: Structural and construction issues; impact upon retaining wall at the rear; health impacts from construction; removal of fencing during demolition/construction.

Response: All standard conditions of consent in relation to the construction are included in Appendix A, including dilapidation reports being required.

Issue: The masonry wall (original) along the rear boundary is too high and will increase overshadowing of rear yards behind.

Response: The amended proposal has removed the masonry wall and proposes to retain the rear existing rear boundary fence.

Issue: Loss of view

Response: This objection was raised by 28 Barclay Street, a single storey semi-detached dwelling located opposite the site. The objector describes a loss of outlook to 'the gully' beyond the existing dwelling on the site. Given the impact is upon outlook rather than a significant view and that the proposal complies with the height development standard, the loss of outlook is not considered unreasonable.

2.5 Public Interest

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

3. REFERRALS

3.1 Tree Preservation

As detailed previously in this report, the recommendations made by the Tree Preservation Officer have been incorporated in the amended plans. All recommended conditions are included in Appendix A.

3.2 Driveways

Conditions were recommended which are included in Appendix A.

3.3 Stormwater

The stormwater plans are unsatisfactory. Appropriate conditions to address this matter are in Appendix A.

3.4 GIS and ePlanning

Conditions were recommended which are included in Appendix A.

4. SUMMARY

The application seeks consent for the demolition of the existing dwelling on the site, Torrens title subdivision and construction of two semi-detached dwellings with swimming pools on each new lot.

The proposal has been amended since it was first submitted to increase the front setback, reduce the size of balconies at the rear, setback the pools from the rear boundary and provide increased substantial planting.

The amended proposal includes Torrens title subdivision and seeks a variation to the lot size development standard of the LEP. As detailed in this report, the variation to the lot size development standard is supported. Upon subdivision, the proposal would comply with the FSR development standard; however, as one site, the proposal exceeds this and seeks a variation. This variation is also supported for the reasons outlined in this report.

The proposal generally complies with the controls of DCP 2012 and fits contextually within the streetscape and will not unreasonably impact upon the amenity of surrounding properties.

The original and amended proposals were notified and submissions from 11 properties were received. A Councillor submission was made raising issues relating to lot size, overshadowing and privacy. The issues raised in submissions have been addressed in this report and do not warrant refusal of the application.

The amended application is recommended for approval.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

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

Kylie Lucas
Senior Development Assessment Planner

Bridget McNamara
Manager, Development Assessment (North)

Date: 9 May 2019

Date: 16 May 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) The following Architectural Plan Nos prepared by Bureah SRH:

Plan description	Revision No / Date	Date received by Council
DA001, DA100	Revision 02 dated 04/03/2019	05/03/2019
DA101, DA102, DA103, DA104, DA200, DA201, DA202, DA300, DA301, DA302	Revision 03 dated 01/05/2019	07/05/2019

(b) Landscape Plan No. LP 02 Revision 2 dated 03/04/2019 and documentation prepared by Bureah SRH, dated 3 April 2019, and received by Council on 05/03/2019;

(c) BASIX Certificate;

(d) Arboricultural Impact Assessment Report prepared by Redgum Arboriculture & Horticultural Consultants dated 15 May 2018 and received by Council on 13/06/2018;

(e) Subdivision Plan DA002 Revision 01 prepared by Bureah SRH dated 08/06/2018, and received by Council on 13/06/2018;

(f) Schedule of external finishes and colours prepared by Bureau SRH Architecture dated 30 May 2018 and received by Council on 13/06/2018; and

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

Except where amended by the following conditions of consent.

2. APPROVED USE -DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house.

3. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

6. TREE PRESERVATION BOND

A bond of \$5,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree nominated as being retained on the approved plans at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$25,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

9. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

10. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

11. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

13. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. ENGINEERING DETAILS

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

16. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these

properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

17. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

18. STORMWATER MANAGEMENT

- (a) The stormwater plans prepared by Engineering Studio Civil & Structural, Job No. 18244, Drawing No. C00.01, C01.01, C01.02, C02.01, C02.02 and C02.03 (Rev A), dated 31 May 2018 are **not satisfactory** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual. The following requirements shall be incorporated into the stormwater plans:

- (a) The Development Application is for the demolition of existing dwelling, construction of two semi-detached dwellings on separate Torrens title subdivision. Therefore, each dwelling will need to have its own On-site Stormwater Detention (OSD) tank within their property. In view of the above, the current stormwater management plans will need to be revised accordingly.
- (b) In the event that a stormwater disposal system passes through another property, an easement must be created and registered with the NSW Lands and Property Information and should appear on the Certificate of Title of the affected properties.
- (c) An updated On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.

- (d) An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

- (e) Amended details addressing clause (a) are to be submitted and approved by Council's Executive Manager, Creating Waverley demonstrating compliance, prior to the issue of a Construction Certificate.
- (f) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

19. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

20. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

21. TREE REMOVAL

Trees to be removed as per Arboricultural Impact Assessment Report prepared by Redgum Arboriculture & Horticultural Consultants Date: 15 May 2018

Trees to be removed:

Tree No.	Species	Location	Action
T 1	Archontophoenix cunninghamiana (banglow palm)	On-site	Remove as per Arborist report.

T 2	Archontophoenix cunninghamiana (banglow palm)	On-site	Remove as per Arborist report.
T 3	Archontophoenix cunninghamiana (banglow palm)	On-site	Remove as per Arborist report.
T 4	Brachychiton acerifolius (Illawarra flame tree).	Street tree	Remove as per Arborist report.

Trees to be retained

Tree No.	Species	Location	Action
T 5	Brachychiton acerifolius (Illawarra flame tree).	Street tree	<u>Retain and protected</u>

Street Tree Protection

The existing Illawarra flame tree on the naturestrip to the **East** at the front of the property is to be protected for the duration of the construction works.

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.

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

22. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

23. PRIOR TO SITE WORKS

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

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

24. HOME BUILDING ACT

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

25. CONSTRUCTION SIGNS

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

26. COMPLIANCE WITH SAFE WORK NSW

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

27. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).

- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

28. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

30. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

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

31. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

32. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

33. EXCAVATION BELOW FOOTINGS

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

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

34. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

35. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

37. NATIONAL CONSTRUCTION CODE (NCC)

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

38. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

39. CERTIFICATE OF SURVEY – LEVELS

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

40. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

41. SERVICE PIPES

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

42. TREE PROTECTION

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

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

43. NEW VEHICLE CROSSING

New vehicle crossings are to be provided to access the proposed garages for No. 17 and No. 17A Barclay Street. A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council.

44. VEHICULAR ACCESS - FINISHED LEVEL

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

45. 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

46. WORK OUTSIDE PROPERTY BOUNDARY

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

47. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

48. NO WORKS BEYOND BOUNDARIES

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

49. FINAL OCCUPATION CERTIFICATE

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

50. STORMWATER MANAGEMENT

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

51. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

52. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area

by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

53. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

54. ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of primary address numbers:

- No. 17 Barclay Street for the west allotment – (adjoining 15 Barclay St);
- No. 17A Barclay for the east allotment - (adjoining 19 Barclay St).

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Barclay Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

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

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DEVELOPMENT APPLICATION

PROPOSED TORRENS TITLE SUBDIVISION AND 2 SEMI-DETACHED DWELLINGS

17 BARCLAY STREET, WAVERLEY, NSW, 2024

WAVERLEY COUNCIL

RECEIVED
Waverley Council
Application No: DA-206/2018
Date Received: 07/05/2019

AMENDED



01 LOCATION PLAN



02 PHOTOMONTAGE

BUREAU SRH | architecture STUDIO 3 | 2 VERONA STREET | PADDINGTON | NSW | 2021 | AUSTRALIA |
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NOMINATED ARCHITECT: SIMON HANSON # 6739
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LEGEND:

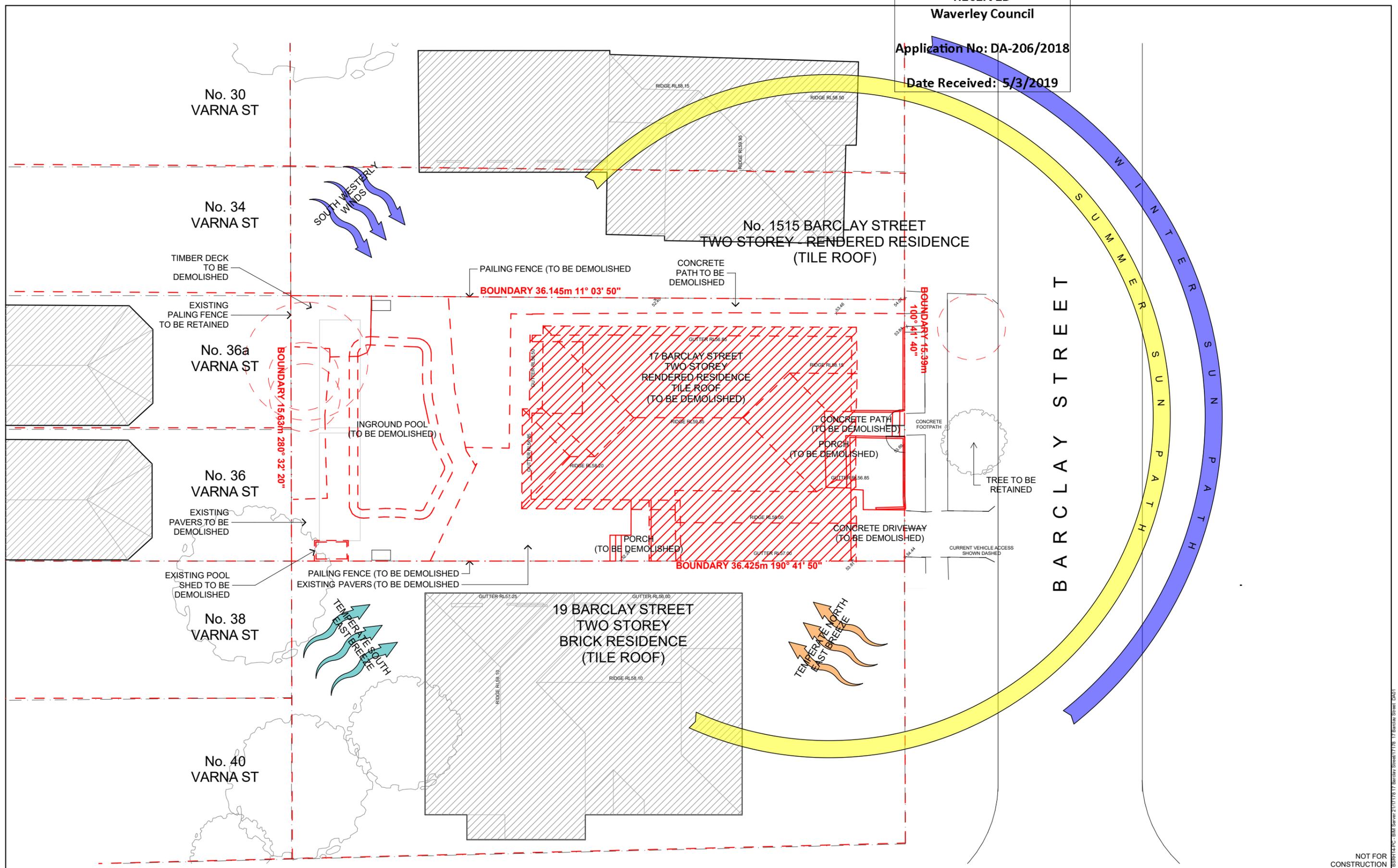
PROPOSED DUPLEX		
REV	DATE	COMMENTS
01	8/06/2018	
02	4/03/2019	GENERAL AMENDMENTS
03	1/05/2019	GENERAL AMENDMENTS

17 BARCLAY STREET, WAVERLEY		PROJECT No: 17178
STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: TITLE PAGE	DRAWING No: DA000
SCALE @ A3:	CLIENT: Alex & Galina Stuke	CHECKED: HHH
	DRAWN: LL	APPROVED: HHH
		REVISION: 03 76

NOT FOR CONSTRUCTION

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 Waverley Council
 Application No: DA-206/2018
 Date Received: 5/3/2019



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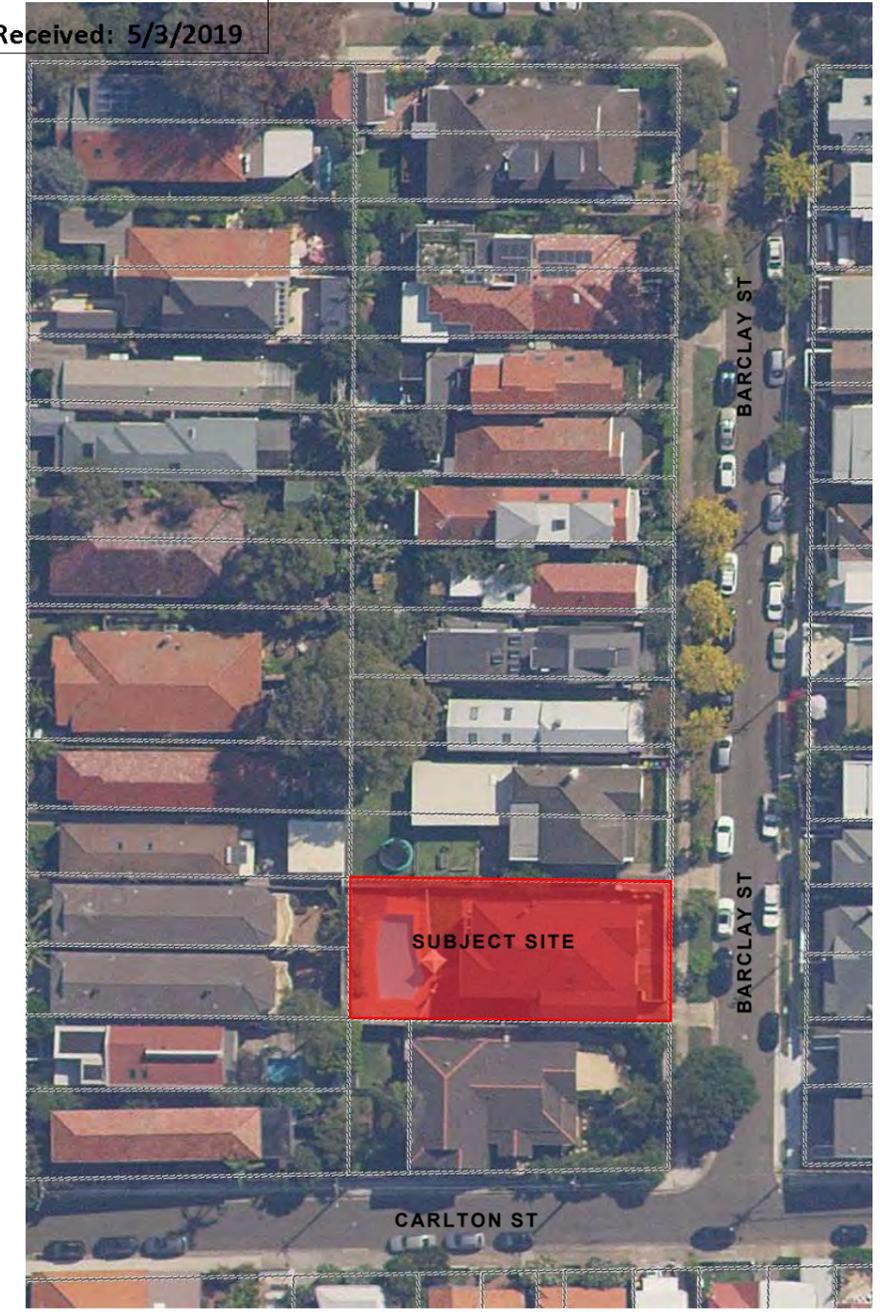
BUREAU SRH architecture <small>STUDIO 3 2 VERONA STREET PADDINGTON NSW 2021 AUSTRALIA ABN: 94 115 880 834 TEL: +61 2 9380 4666 admin@bureau.srh.com</small>	PROPOSED DUPLEX		17 BARCLAY STREET, WAVERLEY		PROJECT No: 17178																											
	<small>NOMINATED ARCHITECT: SIMON HANSON # 6739 THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER ARCHITECTURAL & CONSULTANT DRAWINGS & SPECIFICATIONS & WITH SUCH OTHER WRITTEN INSTRUCTIONS OR SKETCHES AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK MATERIALS & WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE SPECIFICATION, CURRENT SAA CODES, BUILDING REGULATIONS & THE REQUIREMENTS OF ANY OTHER RELEVANT STATUTORY AUTHORITIES CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON SITE AND NOTIFY ARCHITECT OF ANY DISCREPANCIES USE FIGURED DIMENSIONS ONLY COPYRIGHT, ALL RIGHTS RESERVED THIS DRAWING IS COPYRIGHT AND CONFIDENTIAL APART FROM ANY FAIR DEALINGS AS PERMITTED UNDER COPYRIGHT & MAY NOT BE REPRODUCED BY ANY PERSON WITHOUT WRITTEN PERMISSION OF THE ABOVE COMPANY & IS NOT TO BE USED IN ANY MANNER PREJUDICIAL TO THE INTERESTS OF THAT COMPANY THIS DRAWING AND ATTACHED SHEET REMAIN THE PROPERTY OF BUREAU SRH PTY LTD</small>		<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>COMMENTS</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>6/8/2018</td> <td></td> </tr> <tr> <td>02</td> <td>04/03/2019</td> <td>RIDGE HEIGHTS OF NEIGHBOURS ADDED</td> </tr> </tbody> </table>		REV	DATE	COMMENTS	01	6/8/2018		02	04/03/2019	RIDGE HEIGHTS OF NEIGHBOURS ADDED	<table border="1"> <tr> <td>STAGE:</td> <td>DEVELOPMENT APPLICATION</td> </tr> <tr> <td>SCALE @ A3:</td> <td>1:200</td> </tr> </table>		STAGE:	DEVELOPMENT APPLICATION	SCALE @ A3:	1:200	<table border="1"> <tr> <td>DRAWING TITLE:</td> <td>SITE ANALYSIS AND DEMOLITION PLAN</td> </tr> <tr> <td>CLIENT:</td> <td>Alex & Galina Stuke</td> </tr> <tr> <td>CHECKED:</td> <td>HHH</td> </tr> <tr> <td>APPROVED:</td> <td>HHH</td> </tr> </table>	DRAWING TITLE:	SITE ANALYSIS AND DEMOLITION PLAN	CLIENT:	Alex & Galina Stuke	CHECKED:	HHH	APPROVED:	HHH	<table border="1"> <tr> <td>DRAWING No:</td> <td>DA001</td> </tr> <tr> <td>REVISION:</td> <td>0277</td> </tr> </table>	DRAWING No:	DA001	REVISION:
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LEGEND:

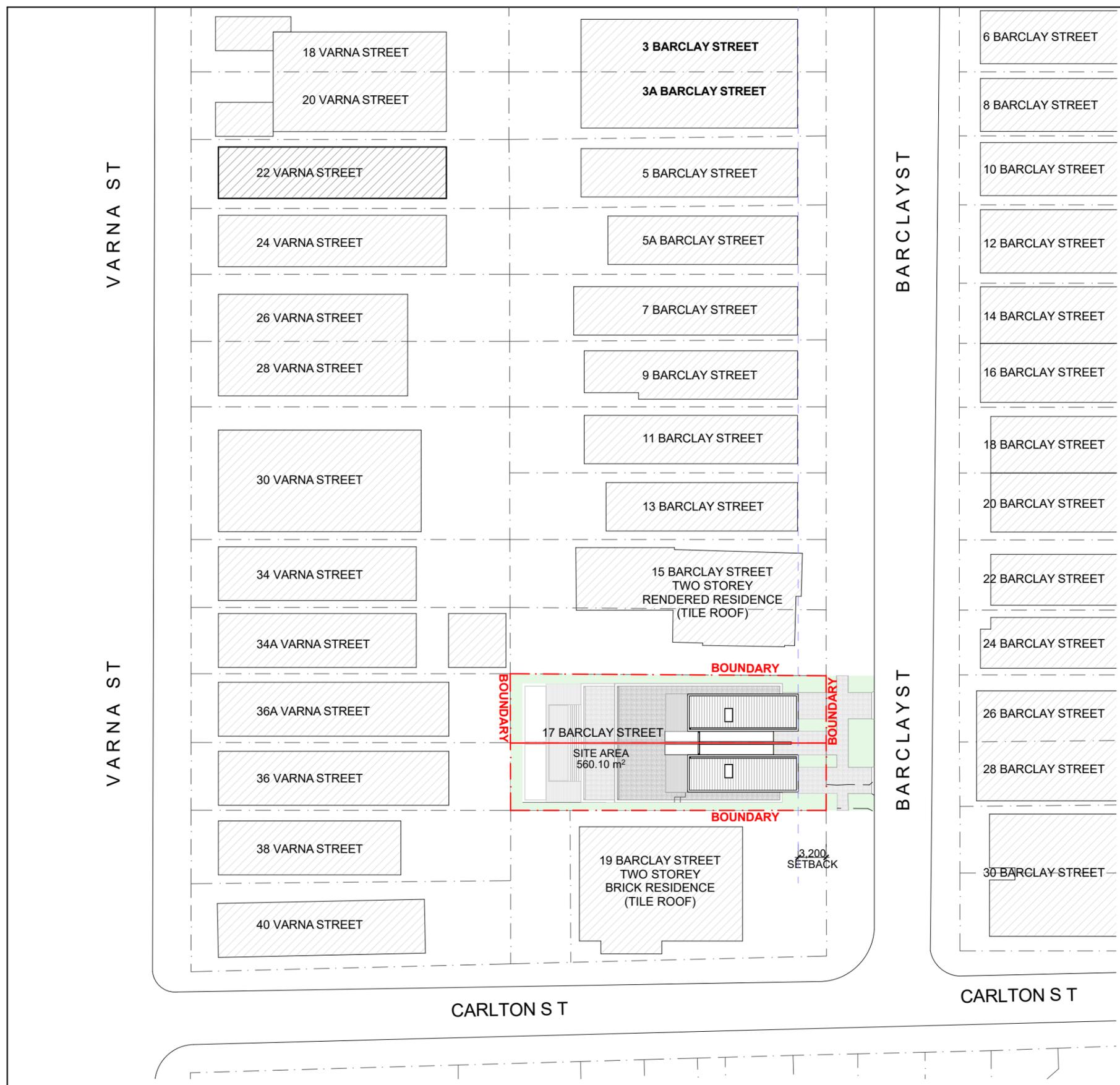
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- TREES TO BE REMOVED
- TREES TO BE RETAINED

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LOCATION PLAN (NTS)



CARLTON ST

CARLTON ST

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LEGEND:
 - - - PREDOMINANT BUILDING LINE

PROPOSED DUPLEX

REV	DATE	COMMENTS
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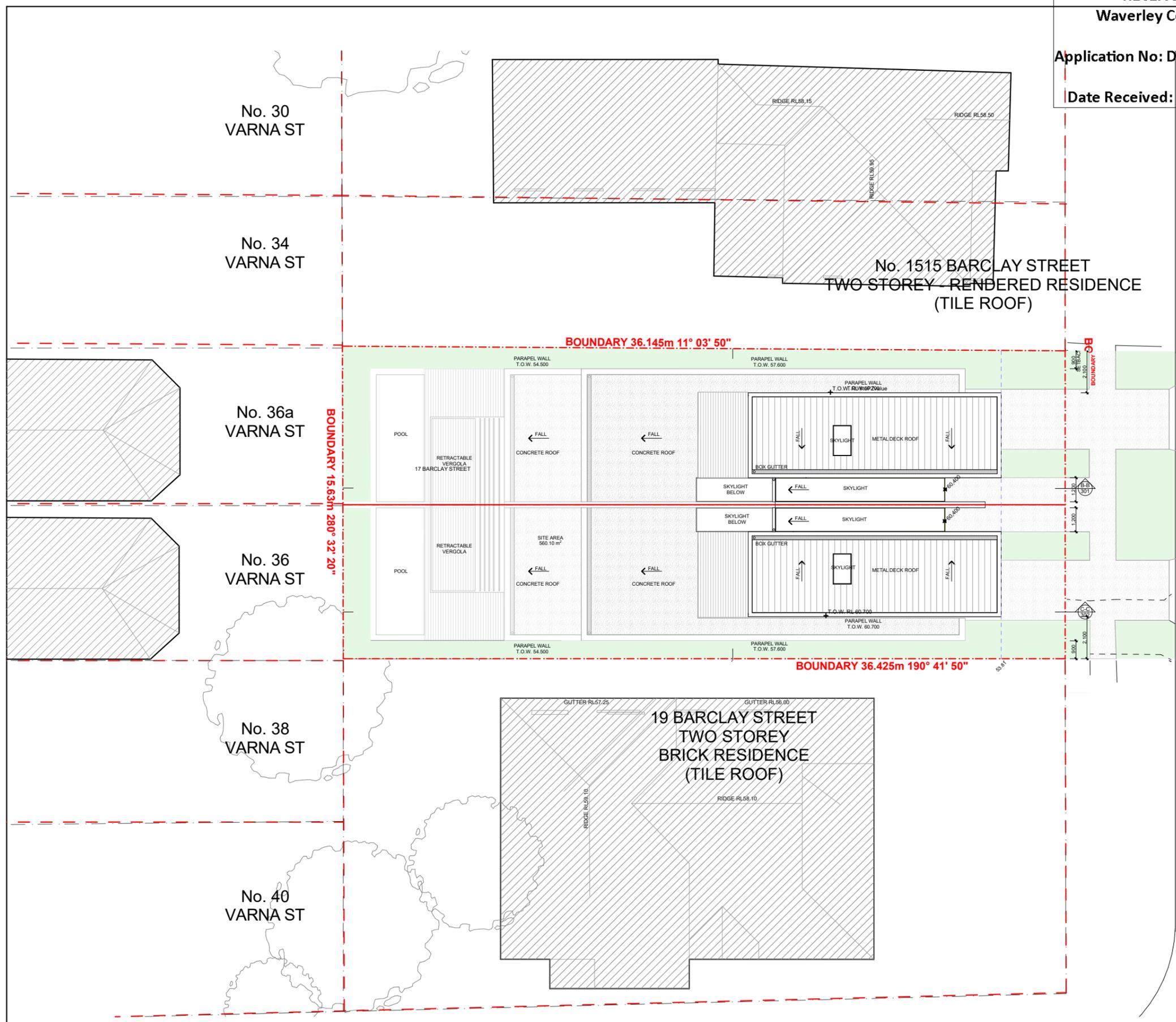
17 BARCLAY STREET, WAVERLEY PROJECT No: **17178**

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: CONTEXT PLAN	DRAWING No: DA003
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BARCLAY STREET

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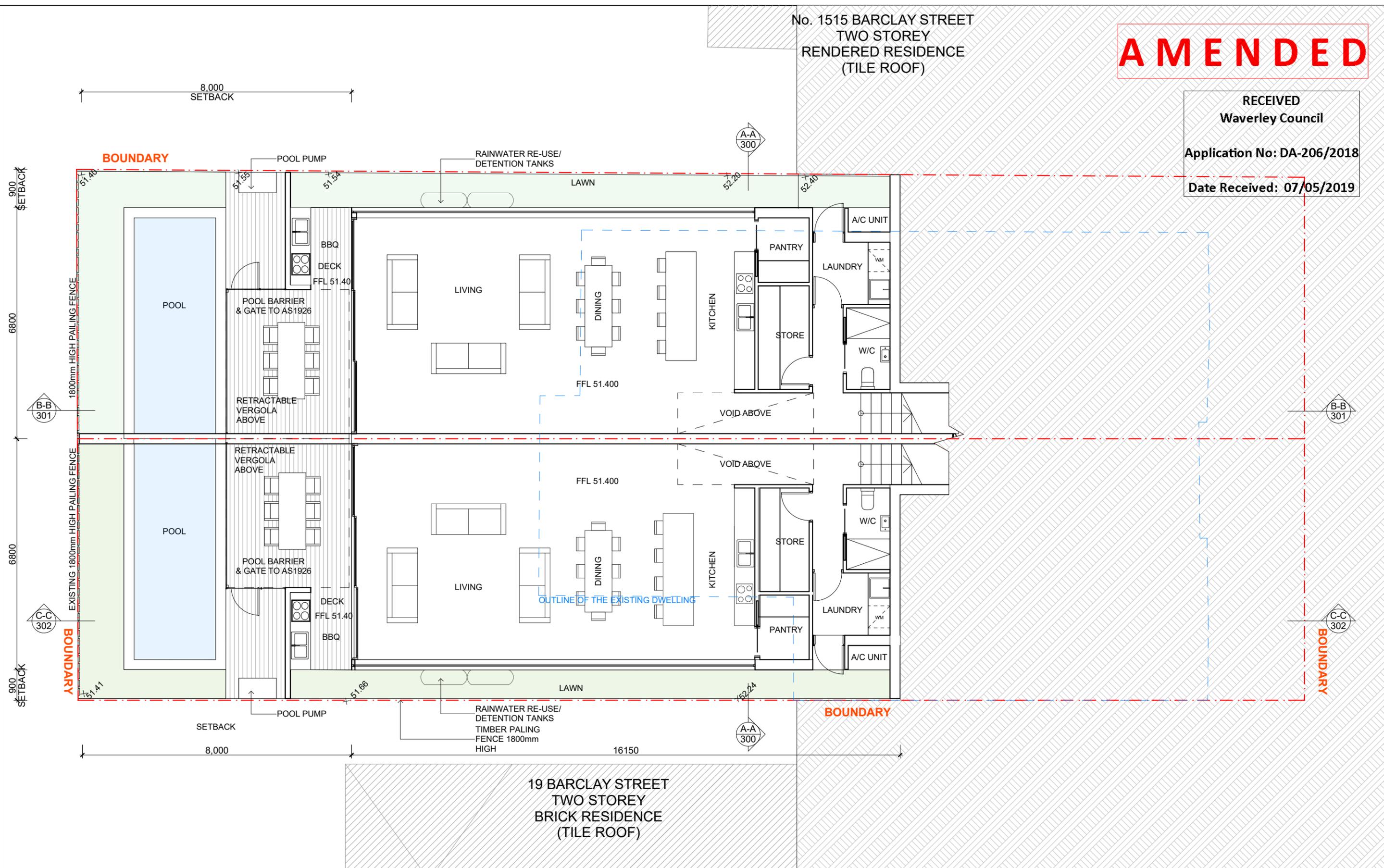
<p>BUREAU SRH architecture STUDIO 3 2 VERONA STREET PADDINGTON NSW 2021 AUSTRALIA ABN: 94 115 880 834 TEL: +61 2 9380 4666 admin@bureau.srh.com</p> <p>NOMINATED ARCHITECT: SIMON HANSON # 6739 THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER ARCHITECTURAL & CONSULTANT DRAWINGS & SPECIFICATIONS & WITH SUCH OTHER WRITTEN INSTRUCTIONS OR SKETCHES AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK MATERIALS & WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE SPECIFICATION, CURRENT SAA CODES, BUILDING REGULATIONS & THE REQUIREMENTS OF ANY OTHER RELEVANT STATUTORY AUTHORITIES CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON SITE AND NOTIFY ARCHITECT OF ANY DISCREPANCIES USE FIGURED DIMENSIONS ONLY COPYRIGHT, ALL RIGHT RESERVED THIS DRAWING IS COPYRIGHT AND CONFIDENTIAL APART FROM ANY FAIR DEALINGS AS PERMITTED UNDER COPYRIGHT & MAY NOT BE REPRODUCED BY ANY PERSON WITHOUT WRITTEN PERMISSION OF THE ABOVE COMPANY & IS NOT TO BE USED IN ANY MANNER PREJUDICIAL TO THE INTERESTS OF THAT COMPANY THIS DRAWING AND ATTACHED SHEET REMAIN THE PROPERTY OF BUREAU SRH PTY LTD</p>	<p>PROPOSED DUPLEX</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>COMMENTS</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>08/06/2018</td> <td></td> </tr> <tr> <td>02</td> <td>04/03/2019</td> <td>DRAWING UPDATED TO SHOW AMENDED FLOOR PLANS</td> </tr> </tbody> </table>	REV	DATE	COMMENTS	01	08/06/2018		02	04/03/2019	DRAWING UPDATED TO SHOW AMENDED FLOOR PLANS	<p>17 BARCLAY STREET, WAVERLEY</p> <p>STAGE: DEVELOPMENT APPLICATION</p> <p>SCALE @ A3: 1:200</p>	<p>PROJECT No: 17178</p> <p>DRAWING No: DA100</p> <p>REVISION: 0279</p> <p>DRAWING TITLE: SITE PLAN</p> <p>CLIENT: Alex & Galina Stuke CHECKED: HHH DRAWN: LL APPROVED: HHH</p>
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No. 1515 BARCLAY STREET
TWO STOREY
RENDERED RESIDENCE
(TILE ROOF)

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19 BARCLAY STREET
TWO STOREY
BRICK RESIDENCE
(TILE ROOF)

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LEGEND:
 GENERAL LANDSCAPING, REFER TO LANDSCAPE PLAN FOR DETAILS

REV	DATE	COMMENTS
01	8/06/2018	GENERAL AMENDMENTS
02	4/03/2019	GENERAL AMENDMENTS
03	1/05/2019	GENERAL AMENDMENTS

PROPOSED DUPLEX | 17 BARCLAY STREET, WAVERLEY | PROJECT No: 17178

STAGE: **DEVELOPMENT APPLICATION** | DRAWING TITLE: **LOWER GROUND FLOOR** | DRAWING No: **DA101**

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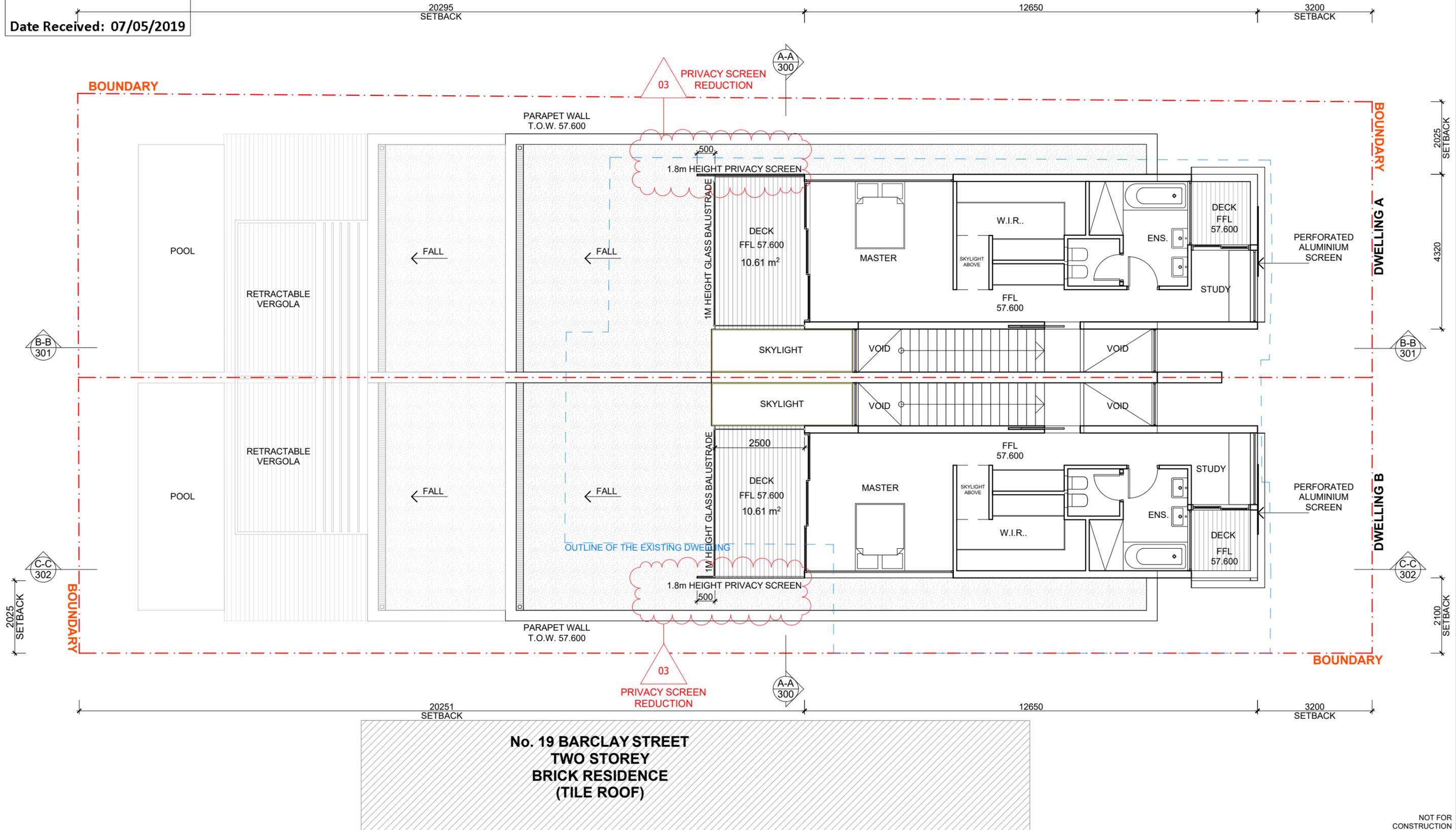
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No.15 BARCLAY STREET
TWO STOREY
RENDERED RESIDENCE
(TILE ROOF)

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No. 19 BARCLAY STREET
TWO STOREY
BRICK RESIDENCE
(TILE ROOF)

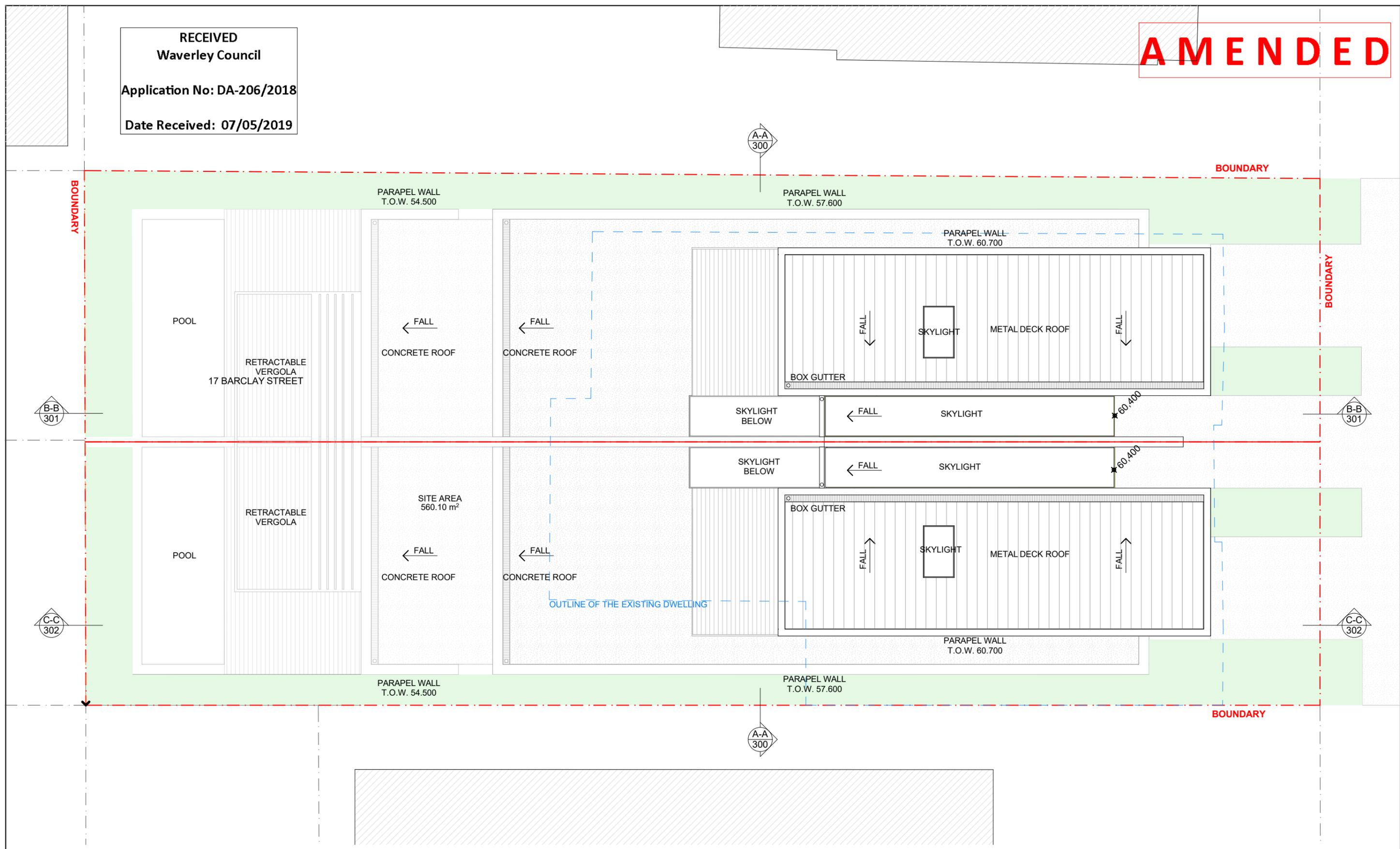
BUREAU SRH architecture STUDIO 3 2 VERONA STREET PADDINGTON NSW 2021 AUSTRALIA ABN: 94 115 880 834 TEL: +61 2 9380 4666 admin@bureau.srh.com		PROPOSED DUPLEX		17 BARCLAY STREET, WAVERLEY		PROJECT No: 17178													
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LEGEND:

PROPOSED DUPLEX		
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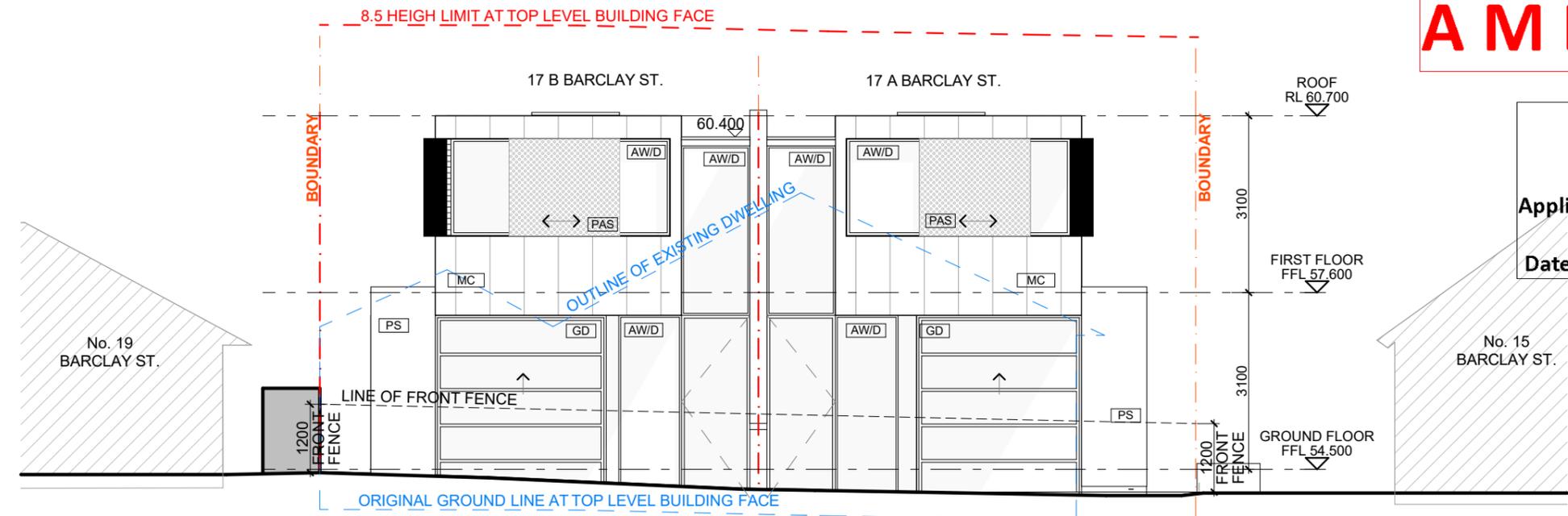
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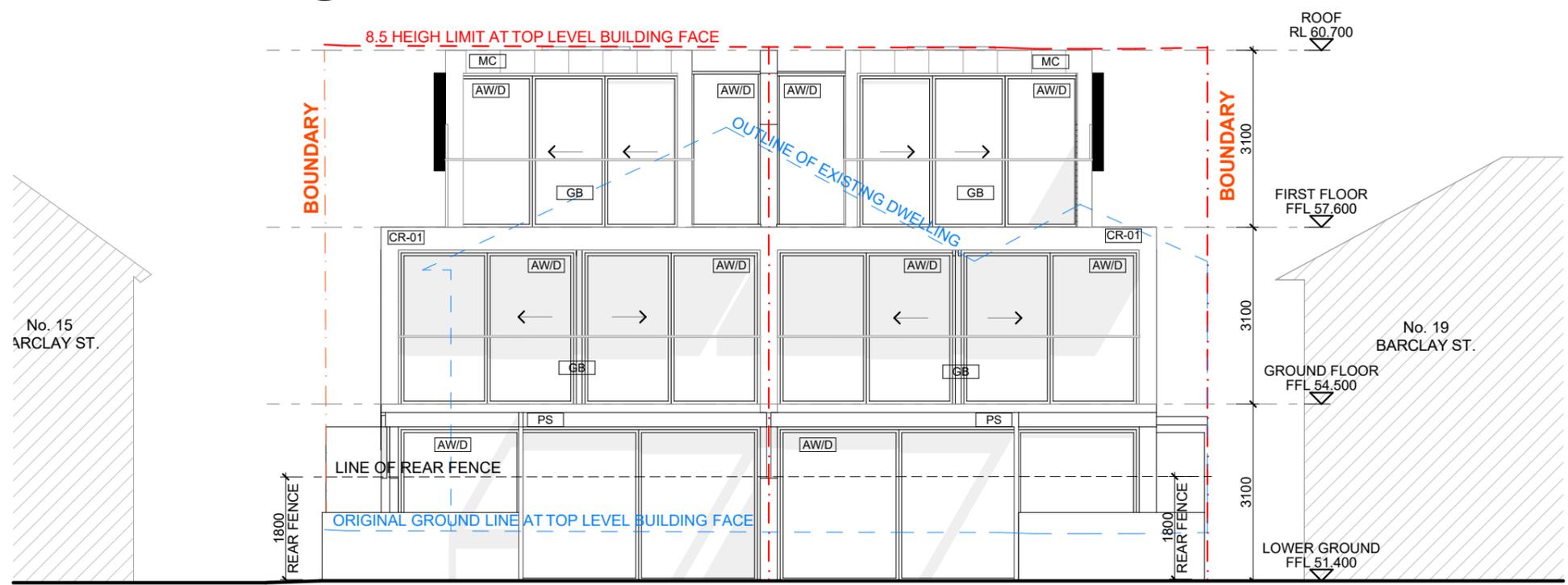
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01 NORTH ELEVATION
1:100



02 SOUTH ELEVATION
1:100

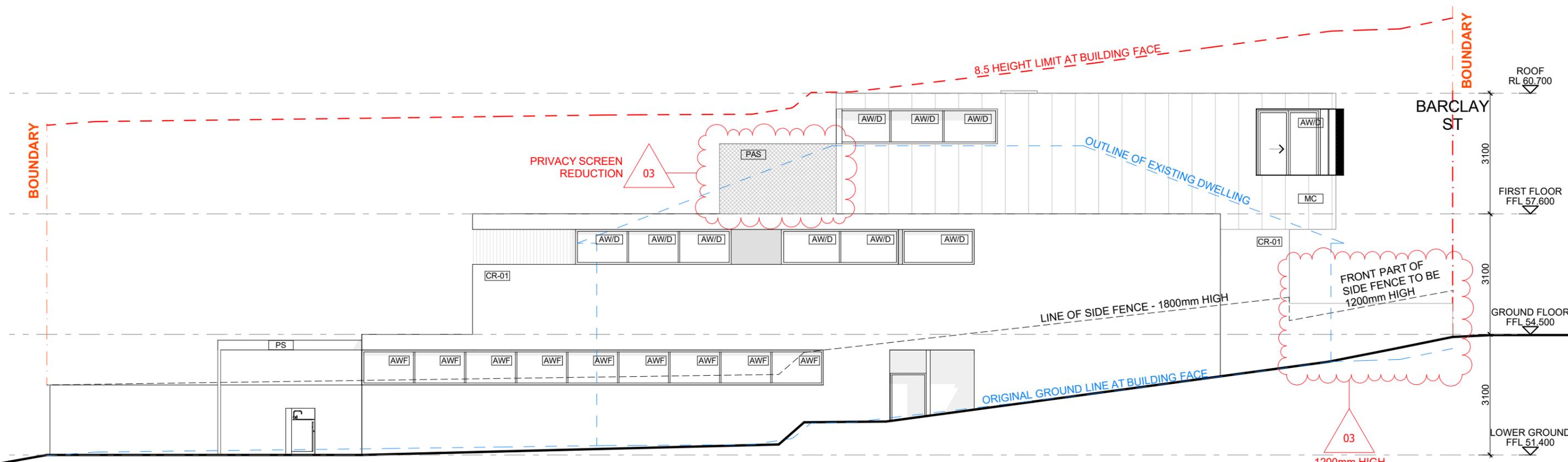
BUREAU SRH architecture STUDIO 3 2 VERONA STREET PADDINGTON NSW 2021 AUSTRALIA ABN: 94 115 880 834 TEL: +61 2 9380 4666 admin@bureau.srh.com		PROPOSED DUPLEX		17 BARCLAY STREET, WAVERLEY		PROJECT No: 17178															
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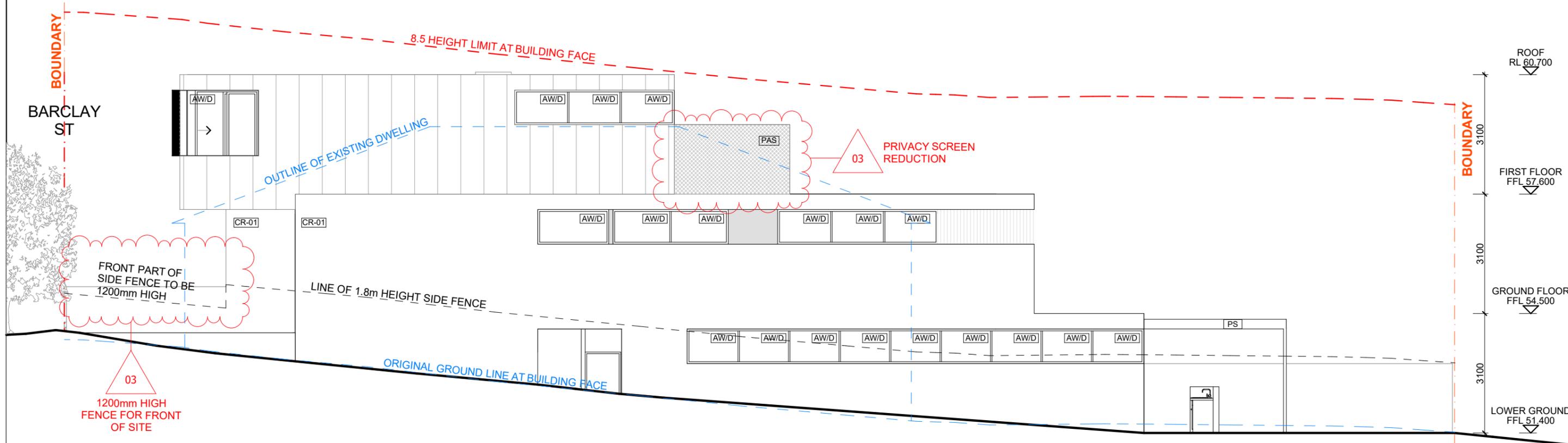
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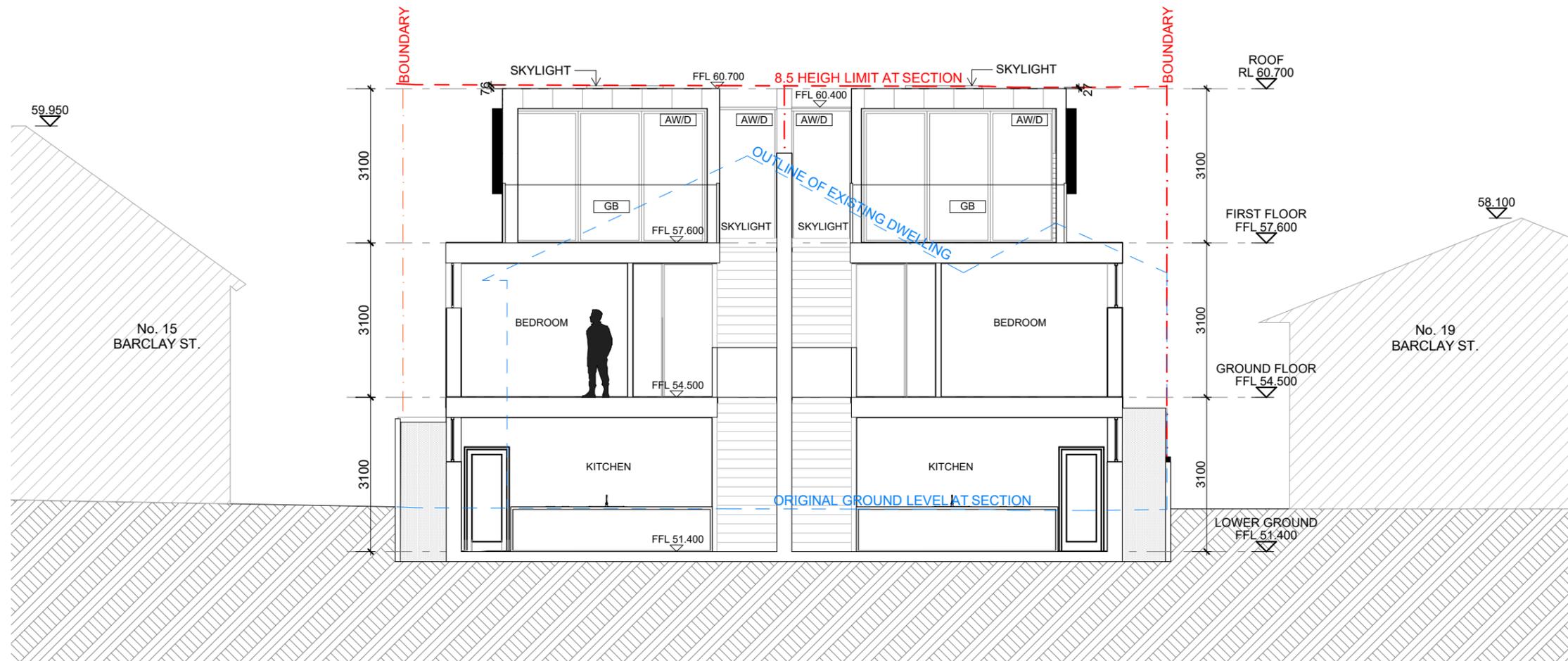
01 WEST ELEVATION
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BUREAU SRH architecture STUDIO 3 2 VERONA STREET PADDINGTON NSW 2021 AUSTRALIA ABN: 94 115 880 834 TEL: +61 2 9380 4666 admin@bureau.srh.com		PROPOSED DUPLEX		17 BARCLAY STREET, WAVERLEY		PROJECT No: 17178															
NOMINATED ARCHITECT: SIMON HANSON # 6739 THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER ARCHITECTURAL & CONSULTANT DRAWINGS & SPECIFICATIONS & WITH SUCH OTHER WRITTEN INSTRUCTIONS OR SKETCHES AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK MATERIALS & WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE SPECIFICATION, CURRENT SAA CODES, BUILDING REGULATIONS & THE REQUIREMENTS OF ANY OTHER RELEVANT STATUTORY AUTHORITIES CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON SITE AND NOTIFY ARCHITECT OF ANY DISCREPANCIES USE FIGURED DIMENSIONS ONLY COPYRIGHT, ALL RIGHT RESERVED THIS DRAWING IS COPYRIGHT AND CONFIDENTIAL APART FROM ANY FAIR DEALINGS AS PERMITTED UNDER COPYRIGHT & MAY NOT BE REPRODUCED BY ANY PERSON WITHOUT WRITTEN PERMISSION OF THE ABOVE COMPANY & IS NOT TO BE USED IN ANY MANNER PREJUDICIAL TO THE INTERESTS OF THAT COMPANY THIS DRAWING AND ATTACHED SHEET REMAIN THE PROPERTY OF BUREAU SRH PTY LTD		LEGEND: AW/D - ALUMINIUM FRAME WINDOW/DOOR CR-01 - CEMENT RENDER MC - METAL SHEET CLADDING PS - PAINTED STEEL GD - GARAGE DOOR MS - METAL SCREEN GB - GLASS BALUSTRADE GD - GARAGE DOOR PAS - PERFORATED ALUMINIUM SCREEN		<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>COMMENTS</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>8/06/2018</td> <td></td> </tr> <tr> <td>02</td> <td>4/03/2019</td> <td>GENERAL AMENDMENTS</td> </tr> <tr> <td>03</td> <td>1/05/2019</td> <td>GENERAL AMENDMENTS</td> </tr> </tbody> </table>		REV	DATE	COMMENTS	01	8/06/2018		02	4/03/2019	GENERAL AMENDMENTS	03	1/05/2019	GENERAL AMENDMENTS	STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: WEST ELEVATION	
REV	DATE	COMMENTS																			
01	8/06/2018																				
02	4/03/2019	GENERAL AMENDMENTS																			
03	1/05/2019	GENERAL AMENDMENTS																			
SCALE @ A3: 1:100		CLIENT: Alex & Galina Stuke CHECKED: HHH DRAWN: LL APPROVED: HHH		DRAWING No: DA202 REVISION: 03 86																	

AMENDED

RECEIVED
 Waverley Council
 Application No: DA-206/2018
 Date Received: 07/05/2019



01 SECTION A-A
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LEGEND:

PROPOSED DUPLEX

REV	DATE	COMMENTS
01	8/06/2018	GENERAL AMENDMENTS
02	4/03/2019	GENERAL AMENDMENTS
03	1/05/2019	GENERAL AMENDMENTS

17 BARCLAY STREET, WAVERLEY

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: SECTION A-A
SCALE @ A3: 1:100	CLIENT: Alex & Galina Stuke CHECKED: HHH
	DRAWN: LL APPROVED: HHH

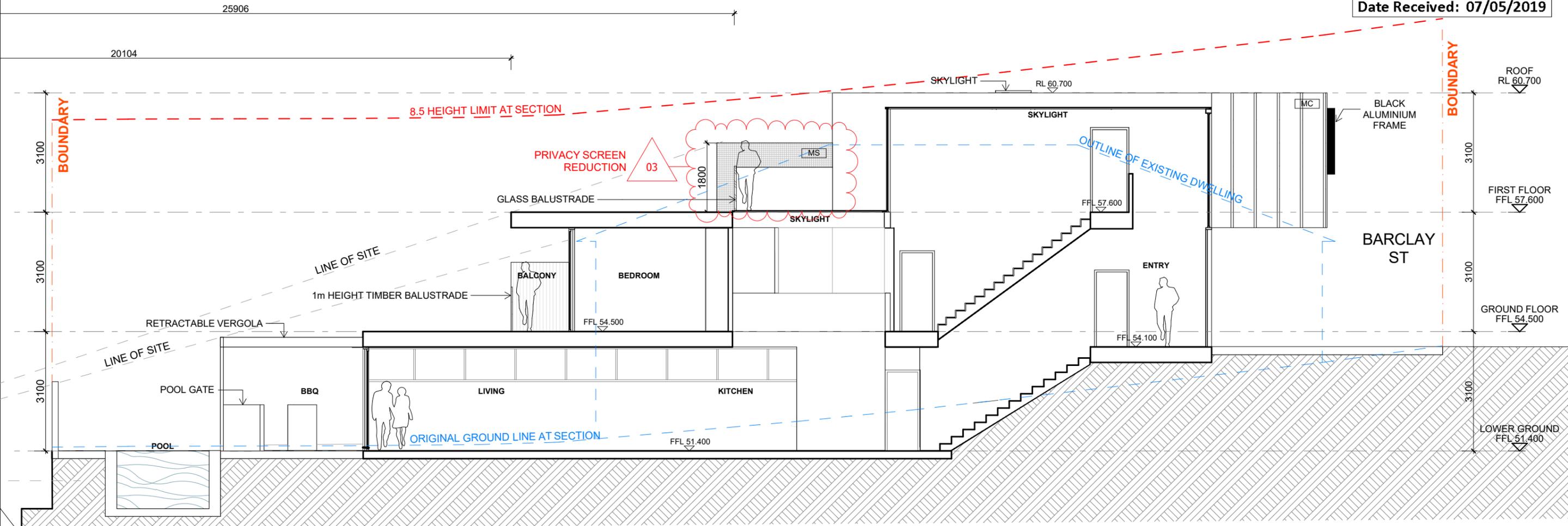
PROJECT No: **17178**

DRAWING No:
DA300
 REVISION:
0387

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Waverley Council
Application No: DA-206/2018
Date Received: 07/05/2019



01 SECTION B-B
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PROPOSED DUPLEX

REV	DATE	COMMENTS
01	8/06/2018	GENERAL AMENDMENTS
02	4/03/2019	GENERAL AMENDMENTS
03	1/05/2019	GENERAL AMENDMENTS

17 BARCLAY STREET, WAVERLEY

STAGE:
DEVELOPMENT APPLICATION
SCALE @ A3:
1:100

DRAWING TITLE:
SECTION B-B
CLIENT: **Alex & Galina Stuke** CHECKED: **HHH**
DRAWN: **LL** APPROVED: **HHH**

PROJECT No: **17178**

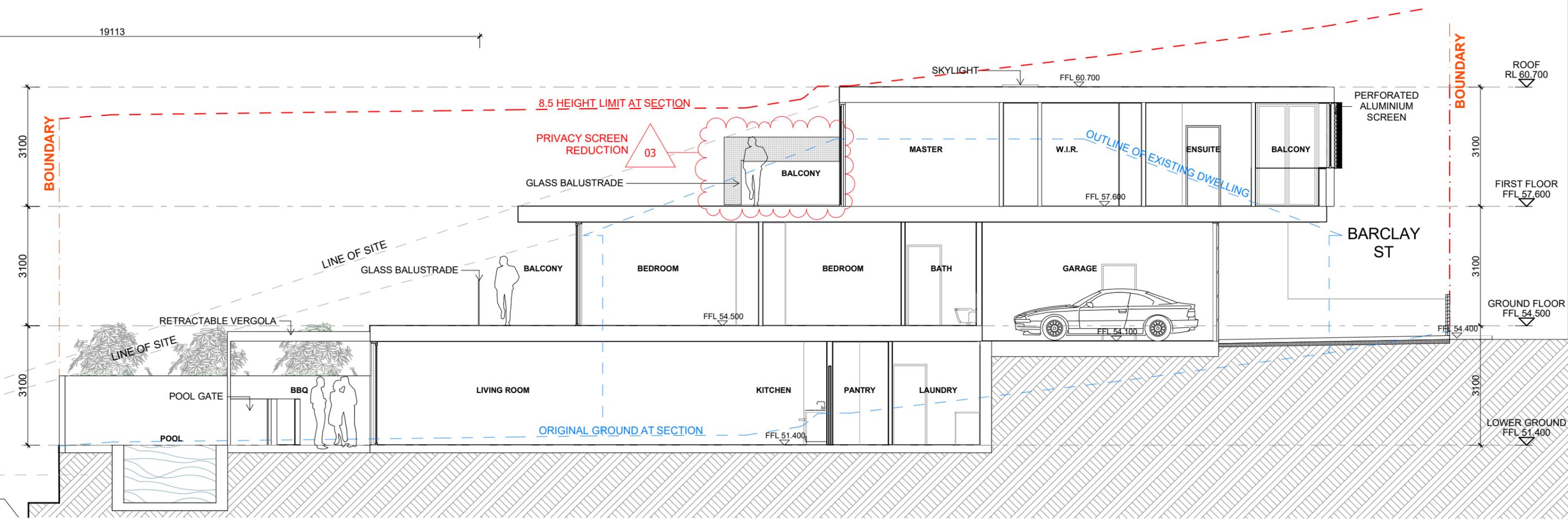
DRAWING No:
DA301
REVISION:
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Waverley Council
Application No: DA-206/2018
Date Received: 07/05/2019



01 SECTION C-C
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LEGEND:

REV	DATE	COMMENTS
01	8/06/2018	GENERAL AMENDMENTS
02	4/03/2019	GENERAL AMENDMENTS
03	1/05/2019	GENERAL AMENDMENTS

PROPOSED DUPLEX
17 BARCLAY STREET, WAVERLEY
PROJECT No: **17178**

STAGE: **DEVELOPMENT APPLICATION**
DRAWING TITLE: **SECTION C-C**
DRAWING No: **DA302**

SCALE @ A3: **1:100**
CLIENT: **Alex & Galina Stuke** CHECKED: **HHH**
DRAWN: **LL** APPROVED: **HHH**

REVISION: **0389**

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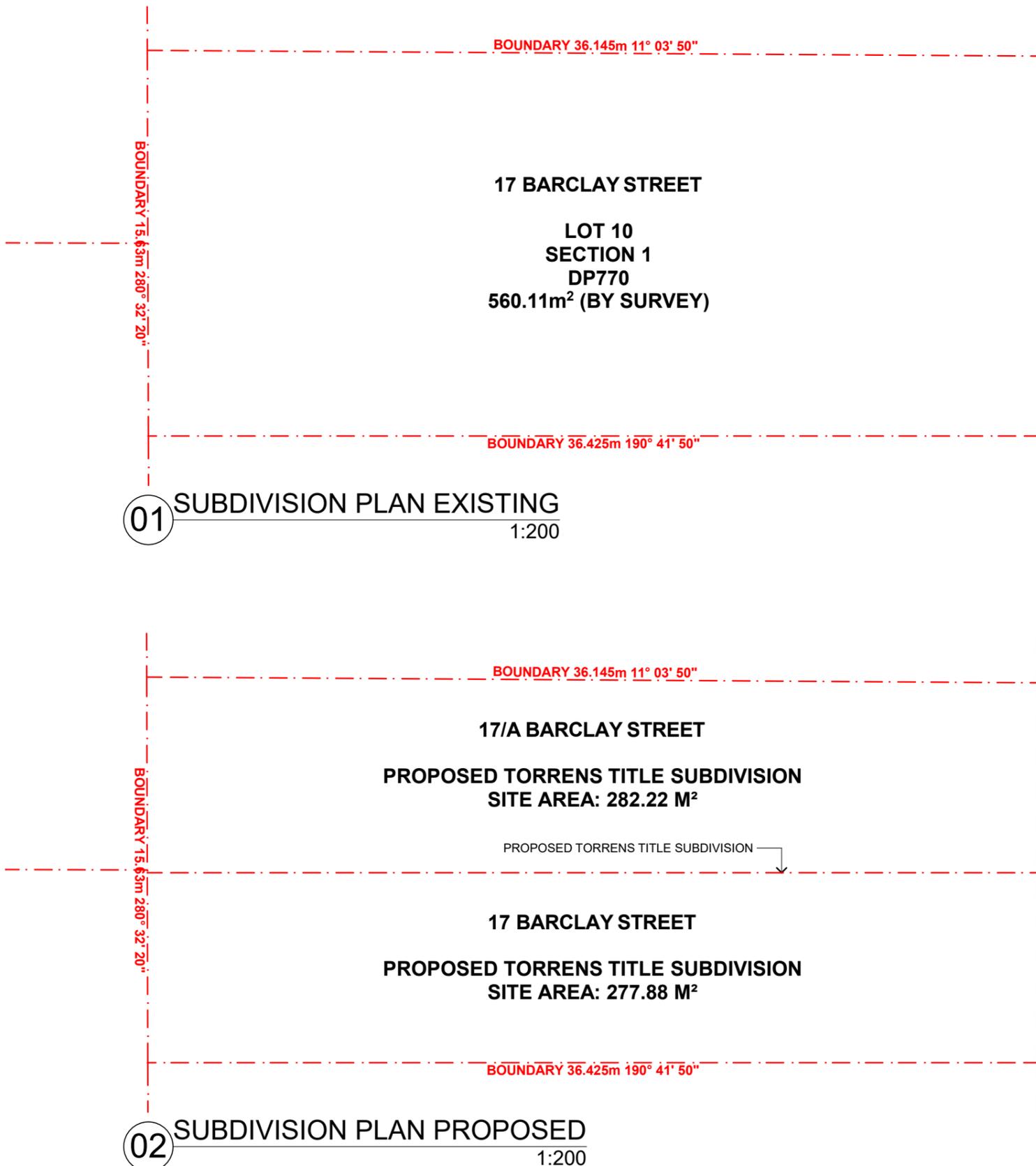
10/2/2019 3:42 PM \\Y:\Users\Yamir.Z\20000\PROJECTS\DA17178\17 Barclay St Waverley\WORKING\BB-01-01 - CURRENT DRAWING FILE\17178 - 17 Barclay Street DA01.dwg

RECEIVED
Waverley Council

Application No: DA-206/2018

Date Received: 13/06/2018

Assessor # BDAV/13/1521 Assessor's Cert # 15211662			
Thermal Load & NatHERS Spec			
Unit no.	Heating load MJ/m2/yr	Cooling load MJ/m2/yr	Star Rating
Dwelling-A	36	26	5.2
Dwelling-B	40	16	5.4
Total(2)	76	42	10.6
Average	38	21	5.3
Ceiling Insulation: R3.5			
External wall Insulation: R1.5			
Roof type / colour Metal Roof, medium colour (SA 0.475-0.7) + SS Foil (R1.3)			
External Glazing: ALM-002-01 A: Aluminium B SG Clear U=6.7 SHGC= 0.7			
All External door & window to be weather sealed			
Exhaust fans / Downlights to be sealed (if any)			
Eaves / shading as per drawings			



BASIX COMMITMENTS SUMMARY NOTES (TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE)				
Assessor # BDAV/13/1521		BASIX Certificate # 930842M		Assessor's Certificate # 15211662
Assessor's name: Ved Baheti		m: 0421 530 876		e: ved@outsourcideas.com.au
WATER	No hot water reticulation required			
Fixtures	All shower heads	All toilets	All kitchen taps	All bathrooms taps
Rating	4 Star(>4.5 But<=6L/Min)	4 star	4 star	4 star
Alternate water source				
Rain Water Tank	Type	Size	Roof area connected	Connections
	Individual	2000L	80 m2	Toilets, Cold water tap L'dry Landscape
Swimming pool		Indv. Pool		
Outdoor Pool with Pump Timer	Volume	Heated	Cover	Shaded
	40KL	No	no	no
ENERGY	Hot water			
Type	Gas instantaneous		Rating	
			6 star	
Mech. Ventilation	System	Operation Control		
Bath	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
L'dry	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
Kitchen	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
Cooling System	Type	Living areas	Bed rooms	
	1 Phase Air conditioning: Day/Night zoned	EER 3.0 - 3.5	EER 3.0 - 3.5	
Heating System	Type	Living areas	Bed rooms	
	1 Phase Air conditioning: Day/Night zoned	EER 3.0 - 3.5	EER 3.0 - 3.5	
Artificial Lighting	Primary type of artificial lighting is fluorescent or light emitting diode (LED)			
	Toilets, L'dry & Hallway	Living	Kitchen	Bed rooms
	All	All	All	All
Alternate Energy	min. 1KW Peak solar PV for each dwelling			
Others	Indoor private Cloth Line	No		
	Outdoor or sheltered Cloth Line	Yes		
	Well ventilated Fridge space	Yes		
	Kitchen Cook top / Oven	Gas Cook top + Electric Oven		
THERMAL	As per thermal simulation carried out by assessor			



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REV	DATE	COMMENTS
01	08/06/18	

PROPOSED DUPLEX		
STAGE:	DEVELOPMENT APPLICATION	
SCALE @ A3:	1:200	

17 BARCLAY STREET, WAVERLEY	
DRAWING TITLE:	SUBDIVISION PLAN
CLIENT:	Alex & Galina Stuke
CHECKED:	HHH
DRAWN:LL	APPROVED: HHH

PROJECT No: 17178
DRAWING No: **DA002**
REVISION: **0190**

NOT FOR CONSTRUCTION



Dwelling House, Dual Occupancy, Secondary Dwelling,
Semi-Detached Dwelling and Terrace Development



Report to the Waverley Local Planning Panel

Application number	DA-353/2018
Site address	6 Kent Street, WAVERLEY NSW 2024
Proposal	Alterations and additions to dual occupancy including internal re-configuration and side additions
Date of lodgement	02-Oct-2018
Owner	Alco Electrics Pty Limited
Applicant	C M Hairis Architects
Submissions	Four
Cost of works	\$158,400
Issues	FSR, height, streetscape
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 13 February 2019.

The site is identified as Lot 1 in DP 312488, known as 6 Kent Street, Waverley. The site is rectangular in shape with north (rear) and south (street front) boundaries measuring 15.39 metres, and east and west side boundaries measuring 21.335 metres. The site has an area of 328.3m² and slopes approximately 0.5m from north to south.

The site is occupied by a two storey dual occupancy building with one dwelling (6A) at ground level and the second dwelling (6B) at the first floor level. The site provides access to a single garage at the front of the site on the eastern boundary which is accessed from Kent Street.

The subject site is adjoined by a two-storey semi-detached dwelling on the western side and a three-storey residential flat building on the eastern side. The locality is characterised by a variety of residential developments including semi-detached, detached dwellings and residential flat buildings.



Figure 1: Site viewed from Kent Street



Figure 2: Streetscape of the northern side of Kent Street (2 to 10 Kent Street)



Figure 3: View from rear yard (location of proposed side addition)

1.2 Relevant History

A search of Council's building and development records revealed the following applications for the subject site:

DA-111/2010, Amended plans for alterations and additions to existing dual occupancy, including attic room and roof terrace above garage approved 24 June 2011.

DA-111/2010/A, Modify proposal by reconfiguring front and rear elevations, and a new upper level rear balcony of dual occupancy approved 27 November 2012.

DA-477/2014, Alterations and additions including attic addition with skylights and bin enclosure approved 17 February 2015.

DA-238/2015, Strata subdivision of existing dual occupancy development rejected 25 June 2015 due to inadequate information.

DA-406/2015, Strata subdivision of dual occupancy approved 7 September 2015.

DA-441/2017, Ground and first floor extension to dual occupancy refused 29 March 2018 due to insufficient information.

1.3 Proposal

The application seeks consent for alterations and additions to a dual occupancy, including internal re-configuration and side addition over existing garage. Further details of the proposal include:

Ground floor

- One x new bedroom and ensuite
- New internal stairs in garage to access first floor

First floor

- Two x new bedrooms and ensuite

Materials and finishes

- New roof tiles and brickwork to match existing external finishes.

Note: The original Architectural Plan No 05A Proposed Elevations and Section AA were revised by the applicant to remove the attic window, amend window panels on the southern elevation and include doorways on the ground floor level as the original plans did not accurately represent the existing building. Revised plans received on 22 March 2019 and 15 April 2019 and will replace the previous revisions.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered to be consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal results in a partial non-compliant height of 9.8m. This is a variation of 1.3m exceeding the development standard by 15%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.74:1 (244m²) Total site area 328.3m² 	No	The existing FSR equates to 0.84:1 (275.7m ²) which exceeds the development standard by 31.7m ² or 9.6%. The proposed FSR equates to 0.98:1 (321.7m ²) which further exceeds the development standard by 31.7m ² or 22.2%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and floor space ratio development standards. A detailed discussion of the variation to the

Provision	Compliance	Comment
		development standards is presented below this table.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 9.8m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.3m or 15%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The height of the building was calculated using the finished Garage Level and not the natural ground level prior to excavation of the garage.
- The proposed hip roof is an extension of the existing pitched roof having the same ridge height.
- The proposed alterations and additions do not result in any detrimental impact to the neighbouring buildings in terms of overshadowing and view loss.
- The proposal will not result in any detrimental impact to the existing streetscape.
- The proposal is compatible with the bulk and scale of the neighbouring dwellings along the northern side of Kent Street.
- The proposal will have no significant impact on the existing public and private views.
- By maintaining the existing roof line, the proposed bulk and scale is compatible with the existing and desired future character of the locality.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

The objectives of the height of building development standard are to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The proposal results in a height breach above the existing garage located to the front of the building. The land was excavated approximately 800mm below the natural ground level at the time the building was erected to accommodate the garage (refer to figure 4).

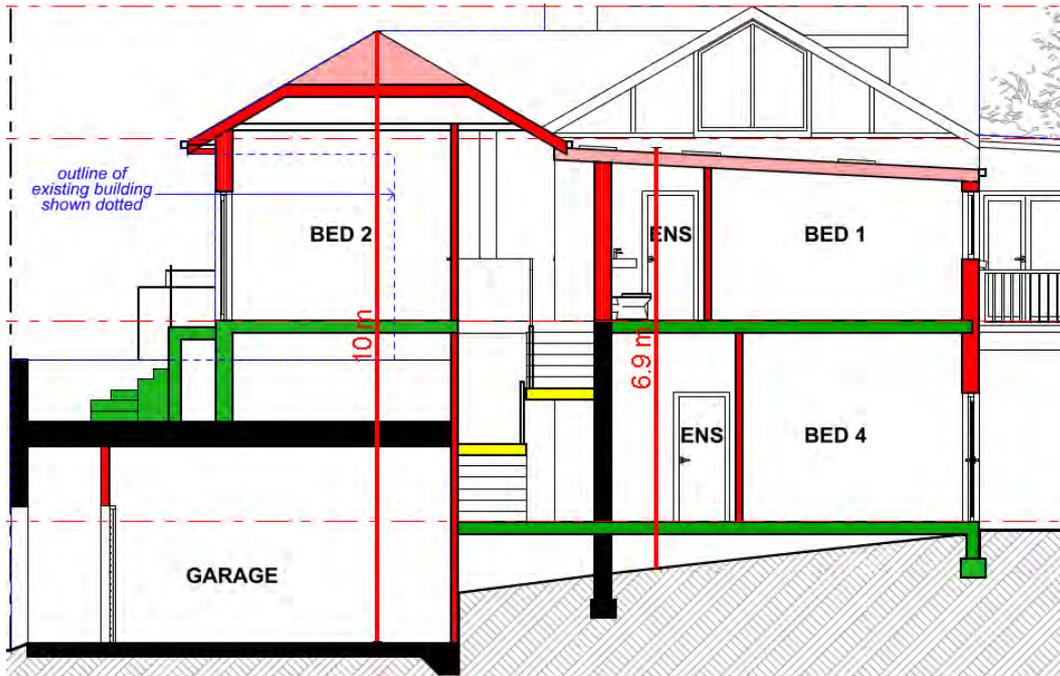


Figure 4: Extract of section AA demonstrating the non-compliant height.

While the proposal maintains the same height as the compliant section of the building, the side addition is not consistent with the streetscape to the northern side of Kent Street, as the adjoining buildings to either side of the subject dwelling comprise of stepped architectural features at the front of the building (refer to figure 5). The proposed side addition over the garage will fill in the stepped part of the building, which will detract from the established character of the streetscape. In addition, the existing dwelling exceeds the floor space ratio development standard by 9.6% and seeks a further exceedance to the development standard. The justification reasons provided by the applicant are not sufficient grounds for Council to grant a further exceedance to the development standard. The proposal is considered excessive and an overdevelopment of the site which is not the desired future character of the street.

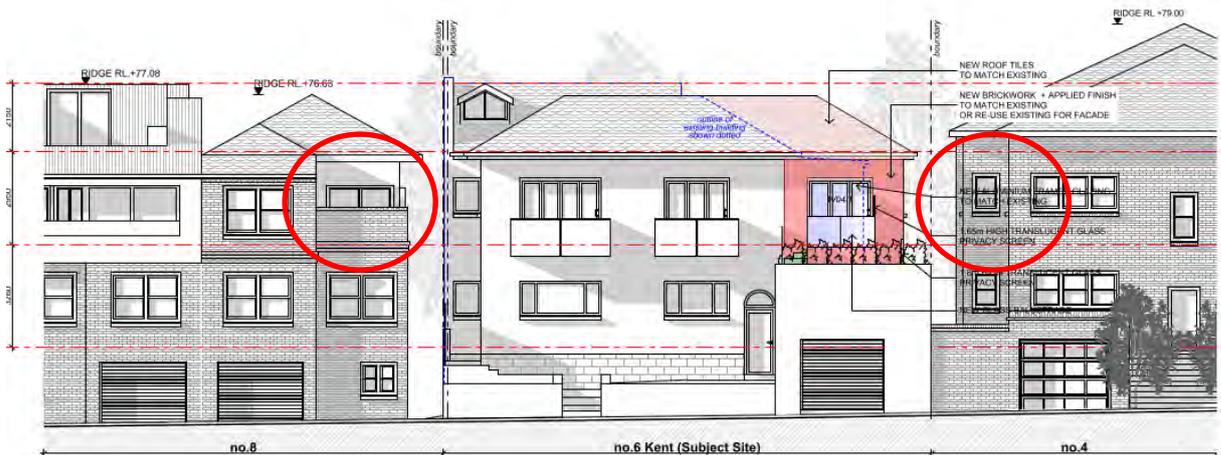


Figure 5: Extract of the proposed southern elevation of the subject property and adjoining properties.

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard

The proposal is not consistent with the objectives of the height of buildings development standard as it will result in unreasonable impacts on streetscape, set an undesirable precedent and the proposal

does not comply with the floor space ratio development standard. Therefore, the applicant has not provided sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

The applicant's written request does not adequately address the matters required under subclause 3 and the variation to the height of building development standard is not supported.

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is not consistent with the objectives of the height of buildings development standard, as discussed above. The development is not consistent with the objectives of the R2 Low Density Residential zone resulting in an overdeveloped site that does not comply with the floor space ratio standard and is not consistent with the desired future character of the street. Accordingly, the proposal is not in the public interest and the variation is not supported.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.98:1, which exceeds the floor space ratio development standard of 0.74:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 77.7m² in gross floor area or 32%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposed alterations and additions to the existing dual occupancy are compatible with the neighbouring buildings in terms of bulk and scale.
- The proposal sits comfortably with the established and desired future streetscape.
- The proposed works are compatible with the existing building and further enhances the presentation of the building to the streetscape.
- The proposal does not result in any detrimental impacts to the neighbouring dwellings in terms of overshadowing, privacy issues or view loss
- Precedents of other buildings in the street which are similar or larger than our proposal in terms of bulk and scale.
- Following a consultation with the owners of the neighbouring block of units at No.4 Kent Street, additional privacy measures were implemented as a result. Privacy has been maintained between the subject site and the neighbours at No.4 Kent Street.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

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

The proposed side additions will further exceed the floor space ratio development standard by an additional 20%, which is considered excessive and unreasonable. The proposed side addition is not

compatible with the streetscape or the desired future character of the locality and will create an undesirable precedent for properties along Kent Street. While the proposal provides adequate setbacks to boundaries and does not result in unreasonable overshadowing impacts these are not considered adequate reasons to justify contravening the development standard.

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard

The proposal is inconsistent with the objectives of the floor space ratio development standard as the proposal is not compatible with the streetscape, the existing building breaches the floor space ratio development control, and the proposed side additions are considered excessive and an overdevelopment of the site which is not the desired future character of the street. The applicant has not demonstrated sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4)(a)(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

The applicant’s written request does not adequately address the matters required under subclause 3 and the variation to the floor space ratio development standard is not supported.

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is not consistent with the objectives of the floor space ratio development standard, as discussed above. The development is not consistent with the objectives of the R2 Low Density Residential zone resulting in an overdeveloped site that is not consistent with the desired future character of the street. Accordingly, the proposal not in the public interest and the variation is not supported.

2.1.4 Waverley Development Control Plan 2012 (Amendment No. 5)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The SWRMP accompanying the application demonstrates reuse of materials and any waste will be sent to Rockdale Recycling Centre. The general waste bins will be stored within the front garage.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate demonstrating compliance with State regulated energy efficiency and water conservation targets.
6. Stormwater	No	The application was referred to Council’s Stormwater Engineer who is not satisfied that the stormwater details meet the requirements of the DCP.

Development Control	Compliance	Comment
8. Transport	Yes	The application proposes to construct internal walls within the existing front garage for waste bin storage. The modification to the garage is not visible from the outside.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The maximum external wall height will be 6.9m to 5.7m.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The proposed front and rear building lines will not extend further than the existing building which is consistent with the predominant front and rear building line at each floor level of the adjoining properties.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposed side addition will be setback 900mm from the eastern side boundary.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant 	No	<ul style="list-style-type: none"> The side addition is not visually compatible with the streetscape on the northern side of Kent Street. The front side addition detracts from the stepped architectural features of adjoining properties and the site itself.
	Yes	<ul style="list-style-type: none"> The infill over the front garage will not dominate the streetscape however will dominate the front of the subject dwelling.
	Yes	<ul style="list-style-type: none"> The majority of the existing landscaped area will be maintained and enhanced with new plantings. The existing ground levels will be maintained.

Development Control	Compliance	Comment
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	The proposed northern window openings to ground and first floor levels and roof skylights will capture direct sunlight. The living rooms and open space of the property are expected to receive the minimum amount of sunlight required during the winter solstice.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	Shadow diagrams supporting the application indicate that the proposed side addition will not result in unreasonable overshadowing impacts to the adjoining properties. The majority of the overshadowing is as a result of the existing built environment.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front setback area Front landscaped area: 50% of front open space provided 	Yes	<ul style="list-style-type: none"> The proposed overall open space equates to 40%. The proposed overall landscaped area equates to 27%. The proposed private open space equates to 90m². The front open space remains unchanged at 62%. The front landscaped area remains unchanged at 30%.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

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

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

Table 4: Summary of property addresses that lodged a submission

Property
11A Kent Street Waverley
11B Kent Street Waverley
8 & 10 Kent Street Waverley
19 Kent Street Waverley

Issue: Illegal backpackers

Response: The submissions raise concern to illegal backpacking at the subject property. The application does not propose a backpackers 'tourist or visitor accommodation' therefore this matter is considered irrelevant.

Issue: Floor space ratio

Response: The submissions raise concern to the non-compliant floor space ratio. The variation to the floor space ratio was considered and addressed under the 'Exemptions to Development Standards' section of this report. The proposal is recommended for refusal, therefore this matter is considered resolved.

Issue: Loss of sunlight and loss of privacy

Response: Property no 19 Kent Street located on the southern side of Kent Street raises concern regarding overshadowing due to increasing the roof height and loss of privacy due to a new attic, however, the application does not propose to increase the roof height or construct a new attic. The property maintains the existing roof height, and the shadows will not be cast onto no 19 Kent Street as demonstrated by the shadow diagrams provided by the applicant, the shadows do not extend further than the road. This matter is considered irrelevant.

Issue: Attic windows and loss of privacy

Response: The submission raises concern regarding the window openings at the attic level of the dwelling however the original architectural plans were revised to remove these windows as it did not accurately depict the existing front façade of the building. There are no existing or proposed windows to the southern elevation of the attic. This matter is considered irrelevant.

Issue: Roof height

The submission raises concern regarding increasing the roof height; however, the application does not propose to raise the roof height. The existing attic level may have been misinterpreted as a new roof; however, that is not the case, the existing roof ridge will be maintained and therefore this matter is considered irrelevant.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

3.1 Fire Safety

An internal referral was sought from Council's Fire Safety Officer who advised that the proposal is satisfactory subject to fire safety upgrading works and standard conditions relating to essential services and engineering details.

3.2 Stormwater

An internal referral was sought from Council's Stormwater Engineer who advised that the stormwater details are not satisfactory with respect to the Waverley Council Water Management Technical Manual. The application is recommended for refusal therefore no amendments are required.

4. SUMMARY

The application seeks consent for side additions to the existing dual occupancy to create additional bedrooms. The proposal is defined as alterations and additions to a dual occupancy which is permissible with consent in the R2 low density residential zone.

The application seeks to vary the height of building and floor space ratio development standards which is not considered acceptable as the existing building exceeds the floor space ratio development by 9.6% and the proposal seeks a further exceedance, which is excessive and an overdevelopment of the site. The proposal is not consistent with the established character of the buildings located on the northern side of Kent Street and will set an undesirable precedent for the dwellings within Kent Street. The applicant's reasons for exceeding the height and floor space ratio development standards are not considered sufficient grounds for Council to grant a further exceedance of the floor space ratio.

The notification of the application received submissions from four = properties and the issues were raised and discussed throughout the report.

Accordingly, the application has been assessed against the Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The recommendation is to refuse the application.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **REFUSED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

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

Bianca Fyvie
Development Assessment Planner

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

Date:

Date: 15 May 2019

Reason for referral:

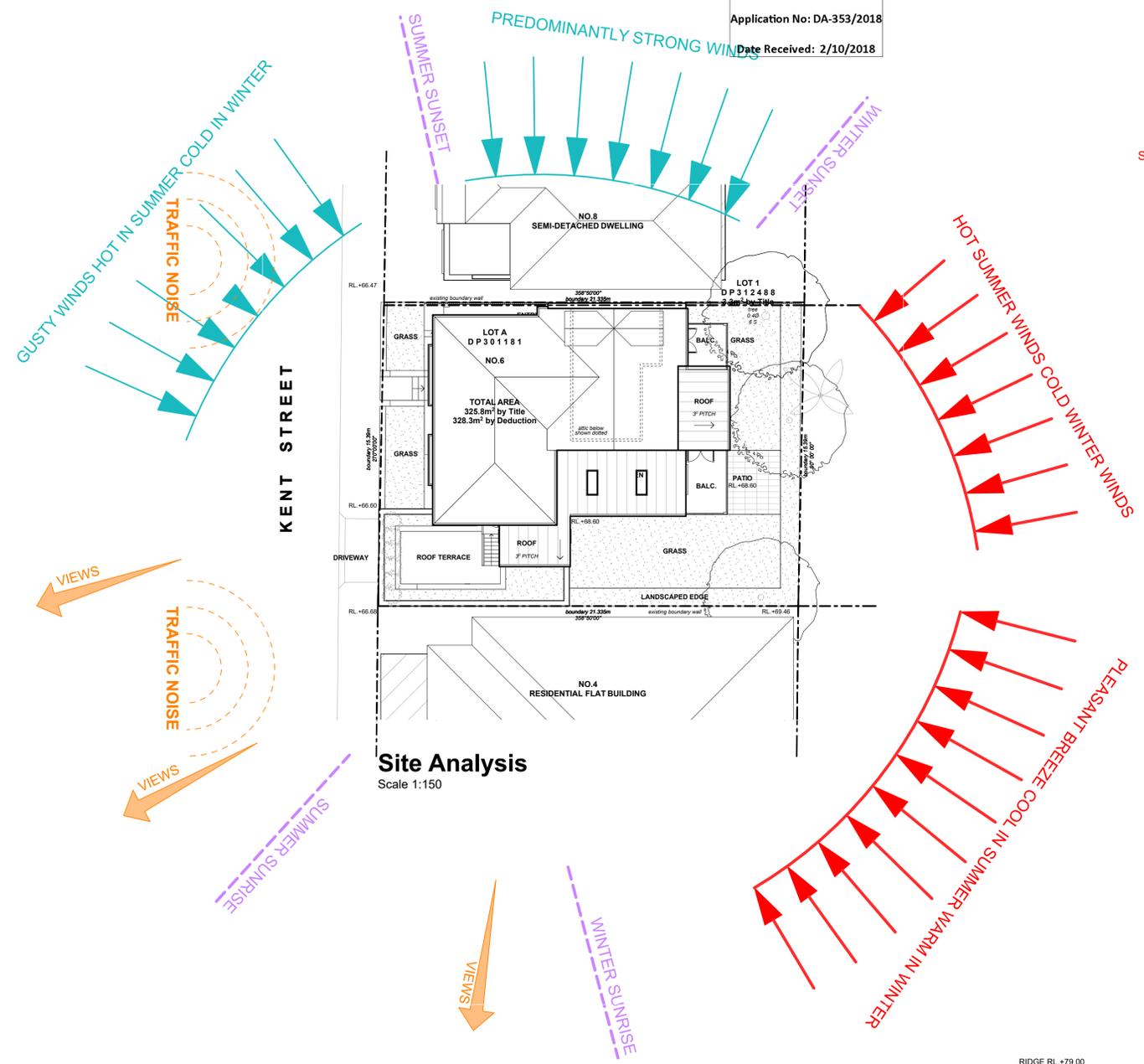
1 Departure from any development standard in an EPI by more than 10%

APPENDIX A – REASONS FOR REFUSAL

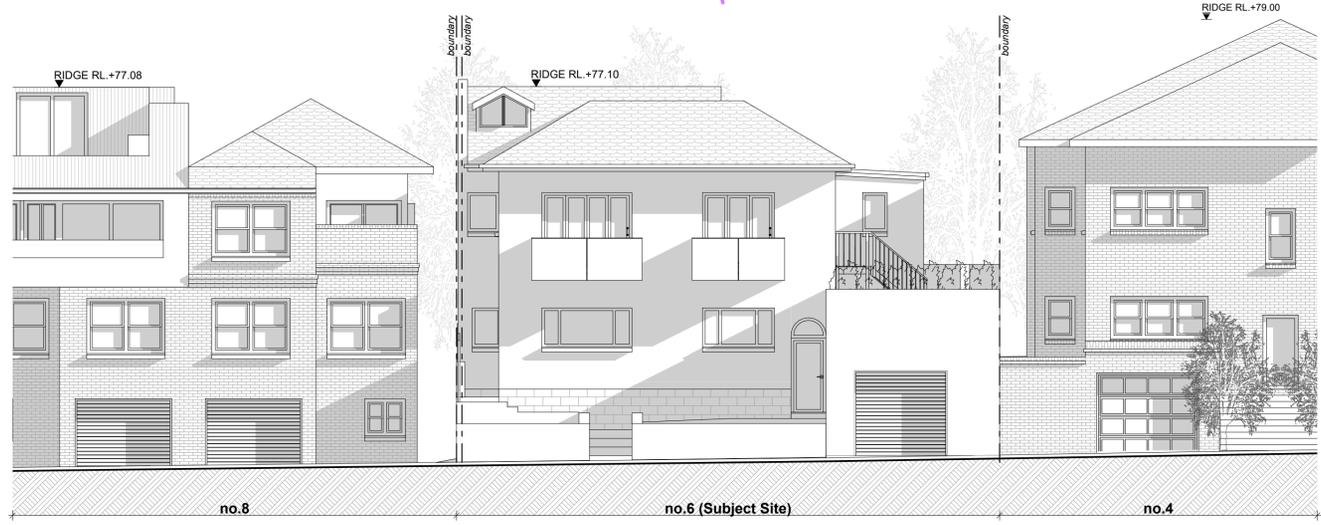
Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality and does not positively complement and contribute to the physical definition of the street network.
 - b. Clause 4.4(1)(b) to (d) and (2) as the proposal will further exceed the maximum FSR permitted for the site and have unacceptable impacts on the overall scale of the development.
 - c. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of building and floor space ratio development standards.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part C – Residential Development
 - i. Section 1.4 Streetscape and visual impact, specifically control (a) as the proposed side addition is contextually inappropriate and unreasonable having regard to the established pattern of the stepped architectural features of the buildings on the northern side of Kent St.
4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale and has an undesirable and unacceptable impact on the streetscape.
5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is considered an overdevelopment of the site and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

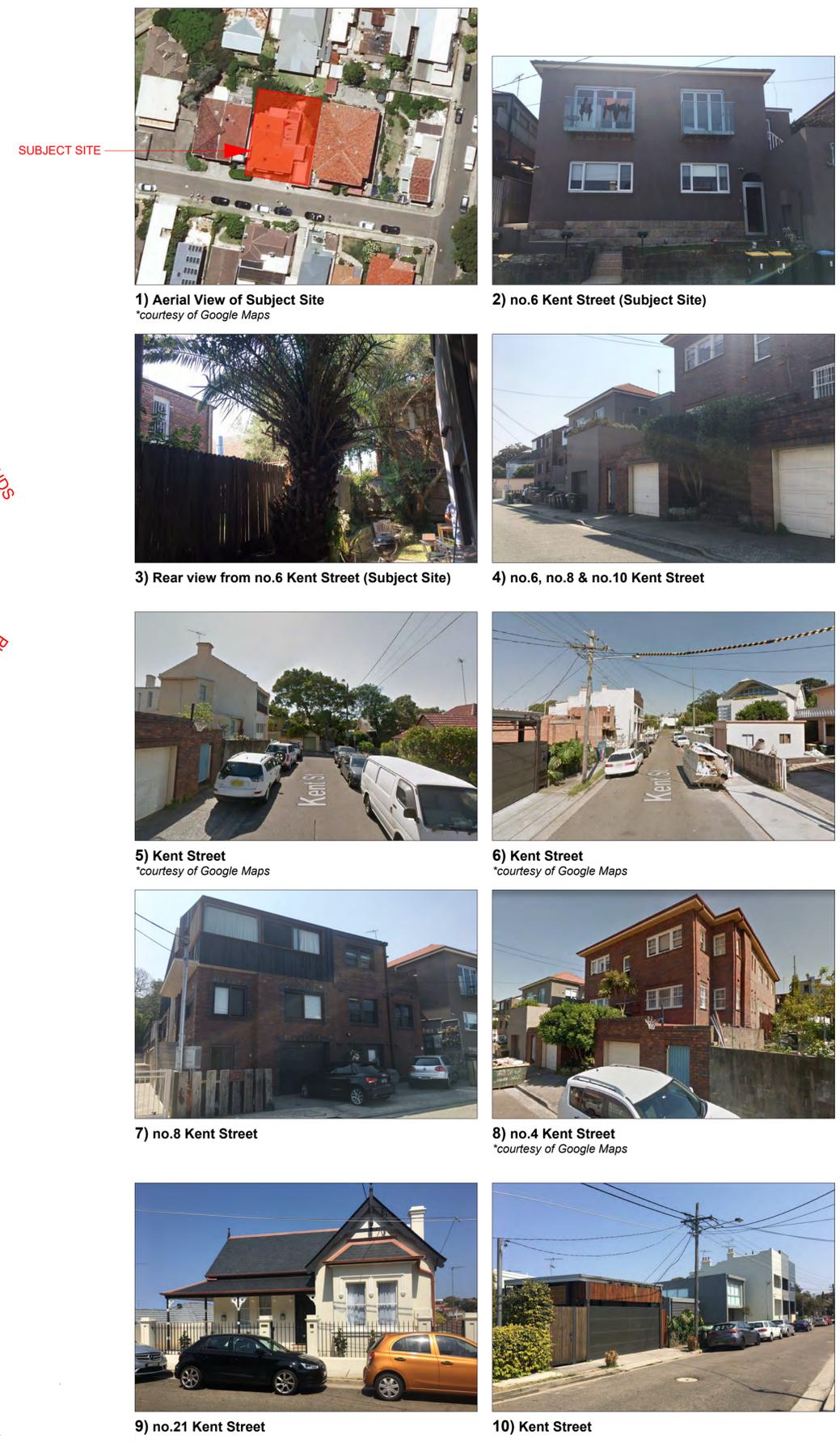
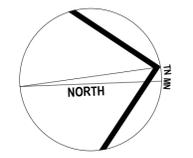
RECEIVED
Waverley Council
Application No: DA-353/2018
Date Received: 2/10/2018



Site Analysis
Scale 1:150



Existing Streetscape (Kent Street)
Scale 1:100



1) Aerial View of Subject Site
*courtesy of Google Maps

2) no.6 Kent Street (Subject Site)

3) Rear view from no.6 Kent Street (Subject Site)

4) no.6, no.8 & no.10 Kent Street

5) Kent Street
*courtesy of Google Maps

6) Kent Street
*courtesy of Google Maps

7) no.8 Kent Street

8) no.4 Kent Street
*courtesy of Google Maps

9) no.21 Kent Street

10) Kent Street

Photographs

A	28/09/2018	DA SUBMISSION TO COUNCIL
No.	DATE	ISSUE / AMENDMENT

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Client:
Alco Electrics
1A Kambla Road, Bellevue Hill

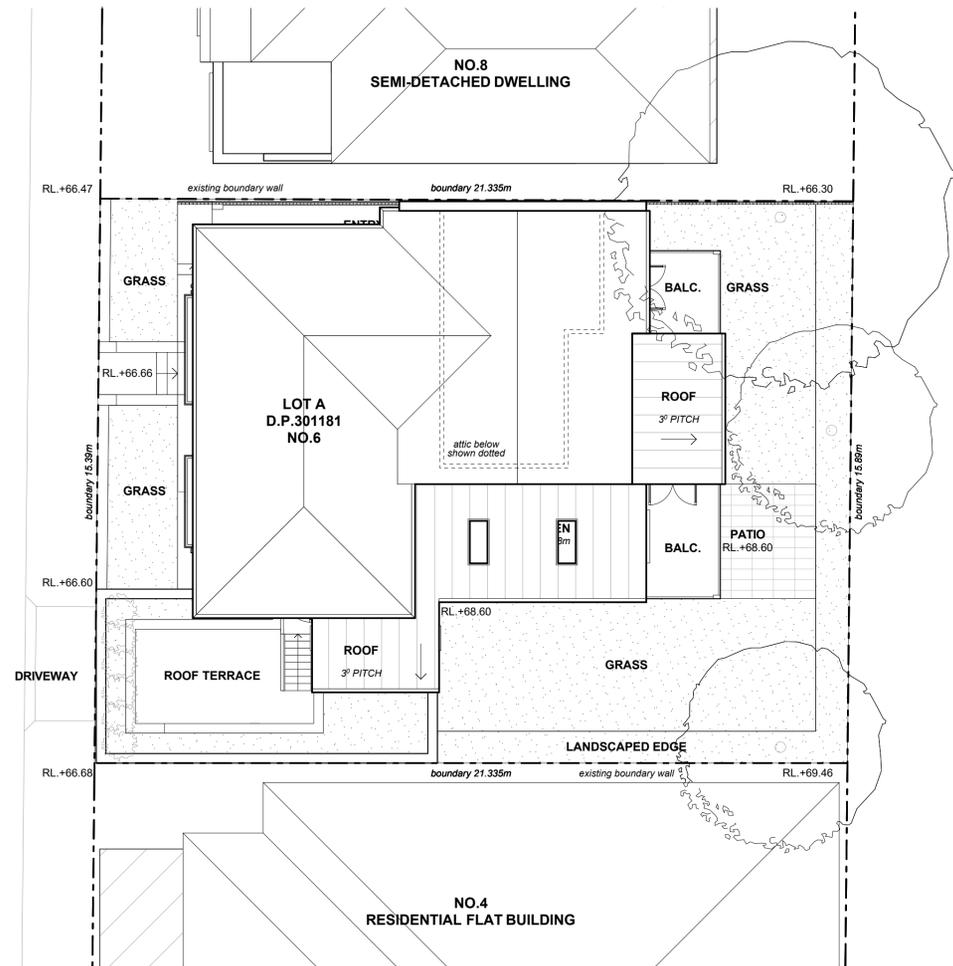
Project:
Proposed Alterations & Additions to Existing Dual Occupancy at: 6 Kent Street, Waverley

Drawing:

Site Analysis

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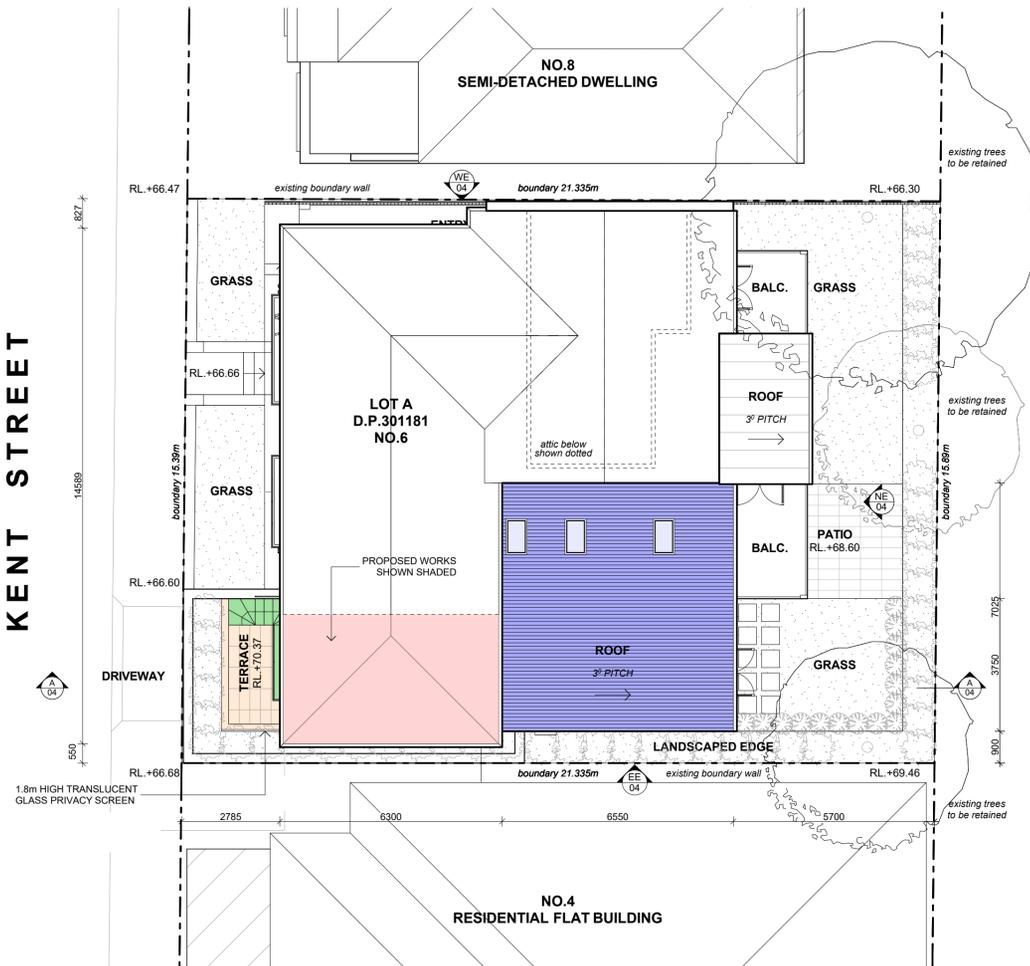
KENT STREET



Existing Site & Roof Plan

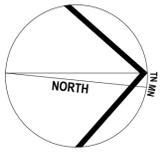
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KENT STREET



Proposed Site & Roof Plan

Scale 1:100



No.6 Kent Street, Waverley

BASIX Certificate: A295675

Construction

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction:	Additional insulation required (R-value):	Other specifications:
concrete slab on ground floor	nil	external wall: cavity brick nil

Glazing requirements

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. Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Windows and glazed doors glazing requirements

Window / door no.:	Orientation:	Area of glass incl. frame (m ²):	Overshadowing: (height)	(distance)	Shading device:	Frame and glass type:
W01/G	N	3.1m ²	7m	3.5m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02/G	E	0.6m ²	0m	0 m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

No.6A Kent Street, Waverley

BASIX Certificate: A295673

Construction

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction:	Additional insulation required (R-value):	Other specifications:
suspended floor above garage:		
concrete (R0.6)	nil	
floor above existing dwelling or building	nil	
external wall: cavity brick	nil	
internal wall shared with garage: single skin masonry (R0.18)	nil	
flat ceiling, pitched roof	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)

Glazing requirements

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. 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. Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Windows and glazed doors glazing requirements

Window / door no.:	Orientation:	Area of glass incl. frame (m ²):	Overshadowing: (height)	(distance)	Shading device:	Frame and glass type:
W01/1	N	1.6m ²	6 m	3 m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02/1	E	0.6m ²	3 m	1.6m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W03/1	E	3.8m ²	3 m	1.6m	eave/verandah/ pergola/balcony >=450mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W04/1	S	4.3m ²	0 m	0 m	eave/verandah/ pergola/balcony >=450mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Glazing requirements

Skylights

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

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	0.5	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
S2	0.5	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)
S3	0.5	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)

No.	DATE	ISSUE / AMENDMENT
C	15/04/2019	AMENDMENTS AS PER COUNCIL'S REQUEST
B	21/11/2017	PRIVACY MEASURES AS PER NEIGHBOURS COMMENTS
A	13/10/2017	DA SUBMISSION TO COUNCIL

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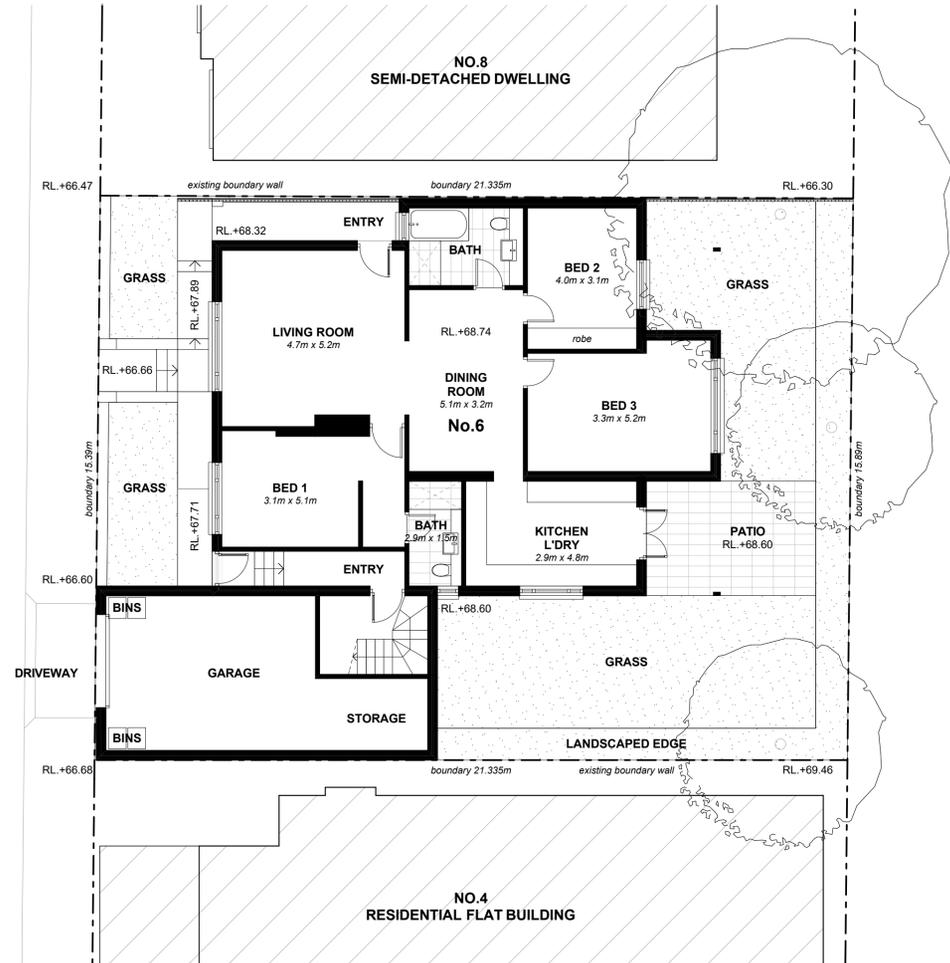
Client:
Alco Electrics
 1A Kambala Road, Bellevue Hill

Project:
Proposed Alterations & Additions to Existing Dual Occupancy at: 6 Kent Street, Waverley

Drawing:
Existing & Proposed Site & Roof Plans

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Drawn: JV	Sheet Size: A1	01 C
Checked: CH		

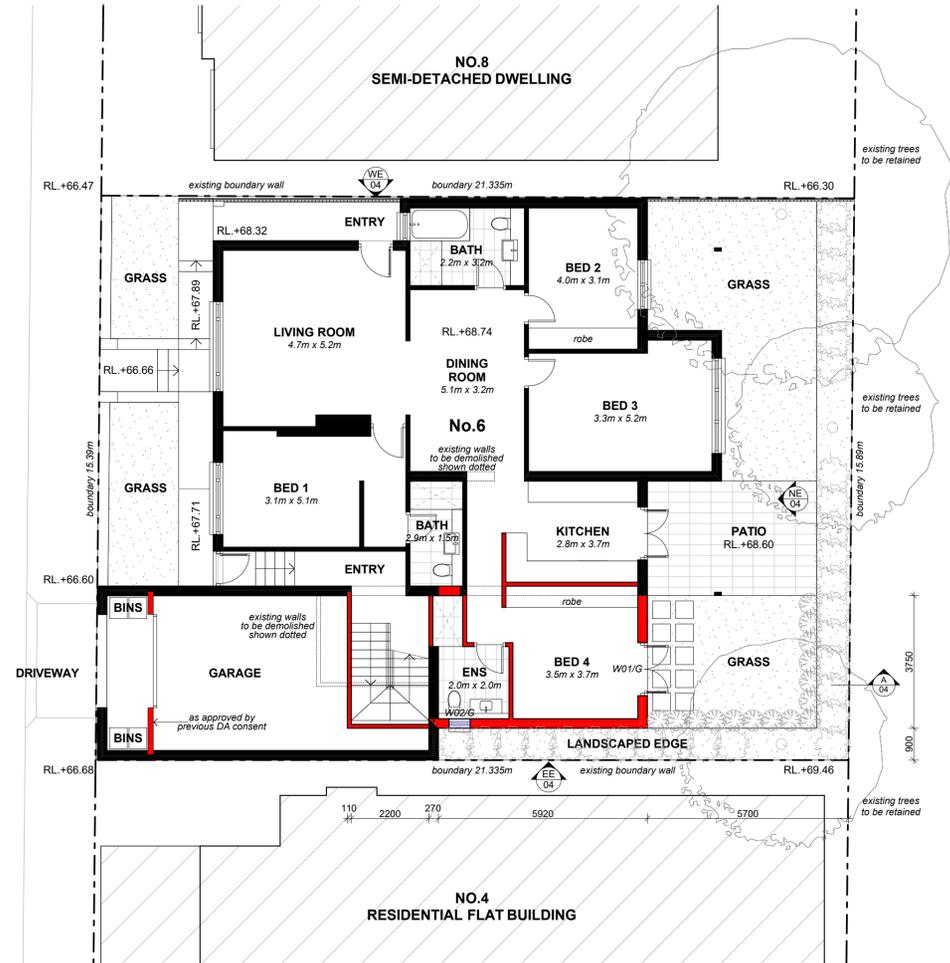
KENT STREET



Existing Ground Floor Plan

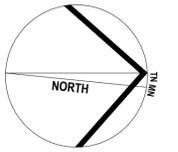
Scale 1:100

KENT STREET



Proposed Ground Floor Plan

Scale 1:100



No.6 Kent Street, Waverley

BASIX Certificate: A295675

Construction

Insulation requirements

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Construction:	Additional insulation required (R-value):	Other specifications:
concrete slab on ground floor	nil	external wall: cavity brick nil

Glazing requirements

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. Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Windows and glazed doors glazing requirements

Window / door no.:	Orientation:	Area of glass incl. frame (m ²):	Overshadowing: (height)	Overshadowing: (distance)	Shading device:	Frame and glass type:
W01/G	N	3.1m ²	7m	3.5m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02/G	E	0.6m ²	0m	0 m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

GFA Calculations: Ground Floor

Existing 135m²

Proposed 149m²

B 15/04/2019 AMENDMENTS AS PER COUNCIL'S REQUEST

A 13/10/2017 DA SUBMISSION TO COUNCIL

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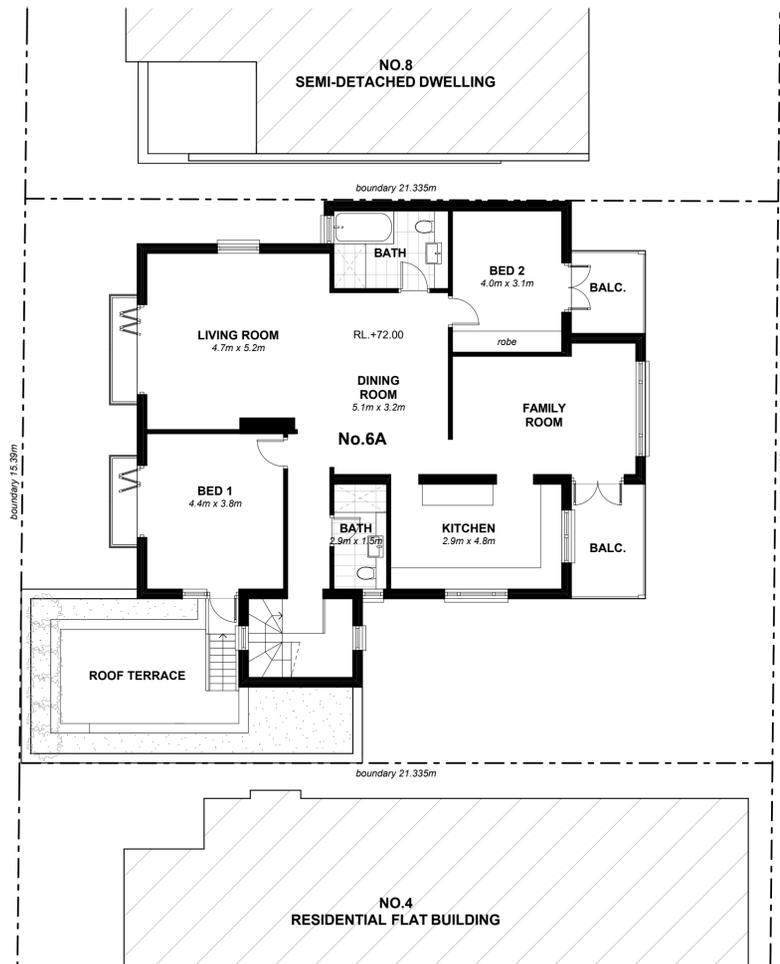
Client:
Alco Electrics
 1A Kambala Road, Bellevue Hill

Project:
Proposed Alterations & Additions to Existing Dual Occupancy at: 6 Kent Street, Waverley

Drawing:
Existing & Proposed Ground Floor Plans

Job no.: 04/17 Scale: AS SHOWN Drawing No:
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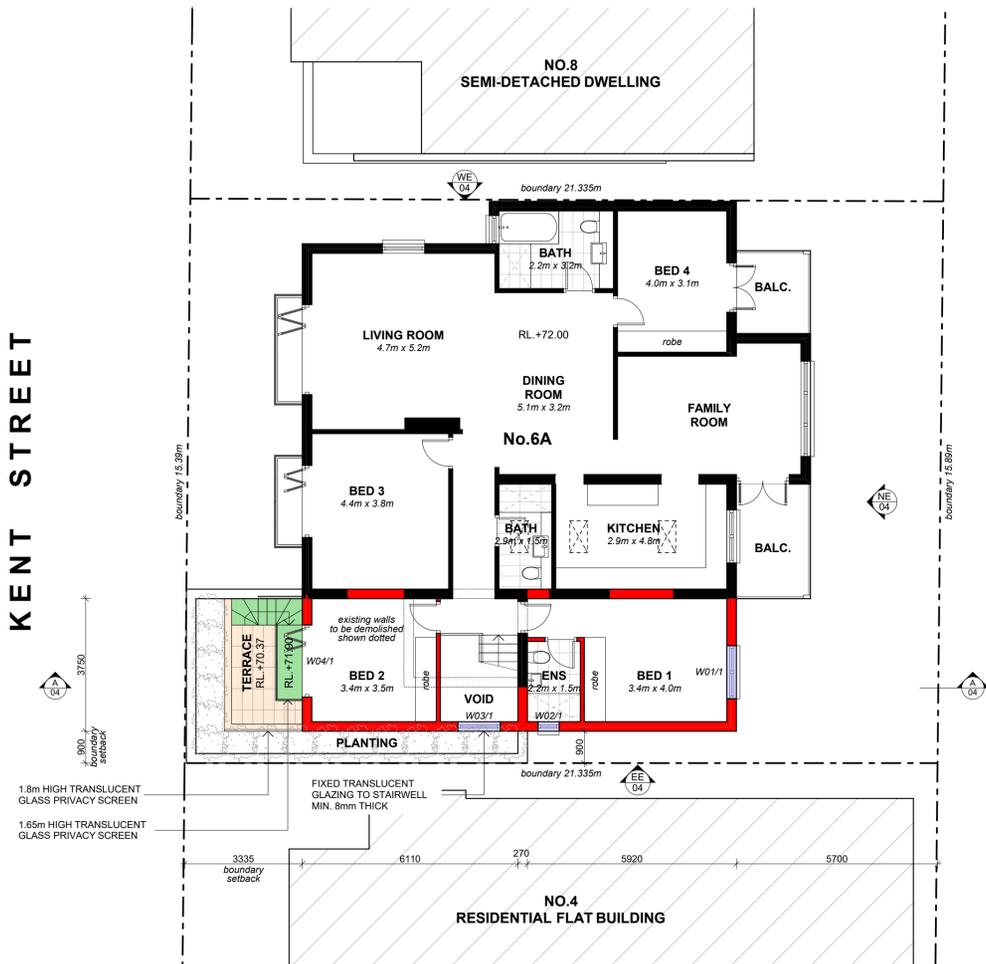
KENT STREET



Existing First Floor Plan

Scale 1:100

KENT STREET



Proposed First Floor Plan

Scale 1:100

No.6A Kent Street, Waverley

BASIX Certificate: A295673

Construction

Insulation requirements

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Construction:	Additional insulation required (R-value):	Other specifications:
suspended floor above garage:		
concrete (R0.6)	nil	
floor above existing dwelling or building	nil	
external wall: cavity brick	nil	
internal wall shared with garage: single skin masonry (R0.18)	nil	
flat ceiling, pitched roof	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)

Glazing requirements

Windows and glazed doors

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Windows and glazed doors glazing requirements

Window / door no.:	Orientation:	Area of glass incl. frame (m ²):	Overshadowing: (height) (distance)	Shading device:	Frame and glass type:
W01/1	N	1.6m ²	6 m 3 m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02/1	E	0.6m ²	3 m 1.6m	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W03/1	E	3.8m ²	3 m 1.6m	eave/verandah/ pergola/balcony >=450mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W04/1	S	4.3m ²	0 m 0 m	eave/verandah/ pergola/balcony >=450mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

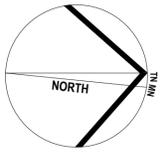
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Skylights glazing requirements

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S3	0.5	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)



GFA Calculations: First Floor

Existing	140m ²
Proposed	162m ²

No.	DATE	ISSUE / AMENDMENT
C	15/04/2019	AMENDMENTS AS PER COUNCIL'S REQUEST
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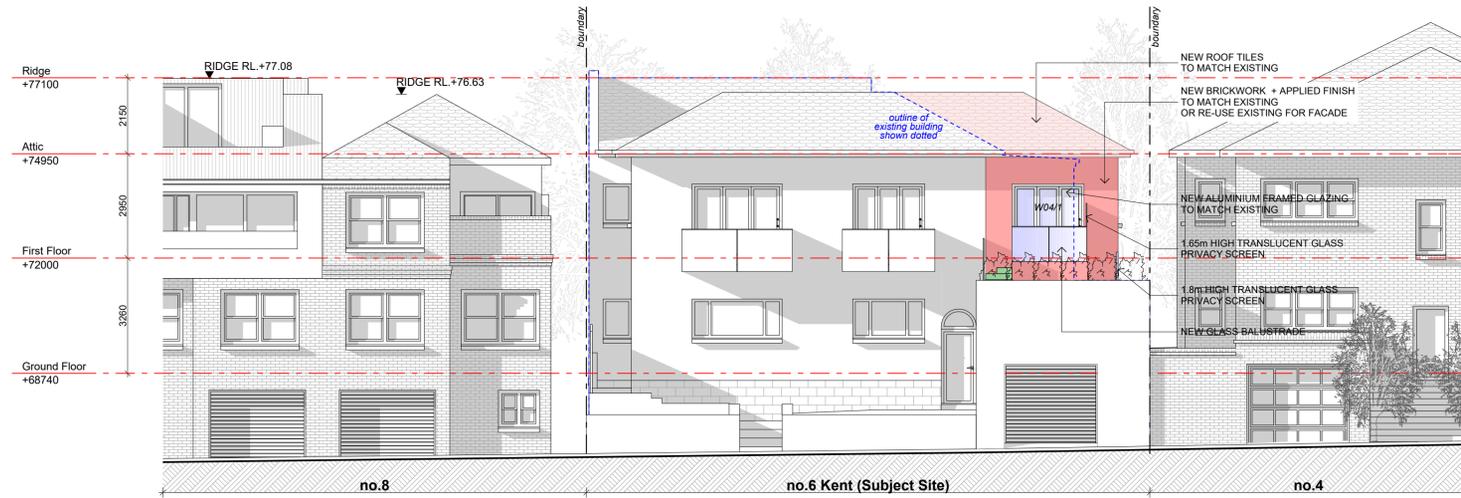
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Client:
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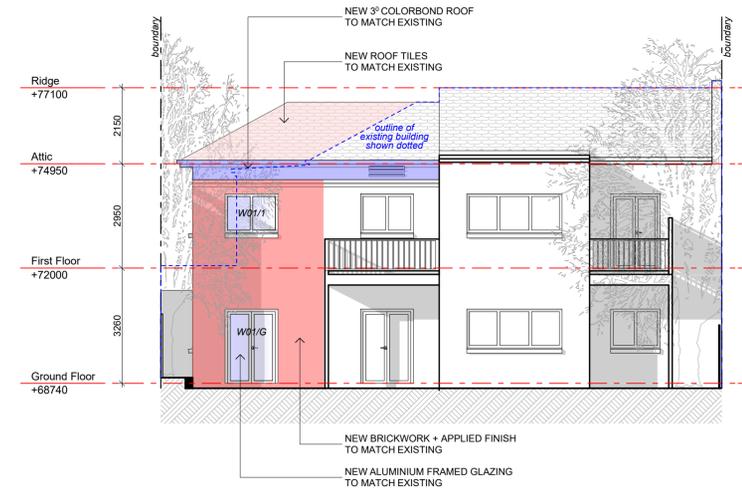
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Existing & Proposed First Floor Plans

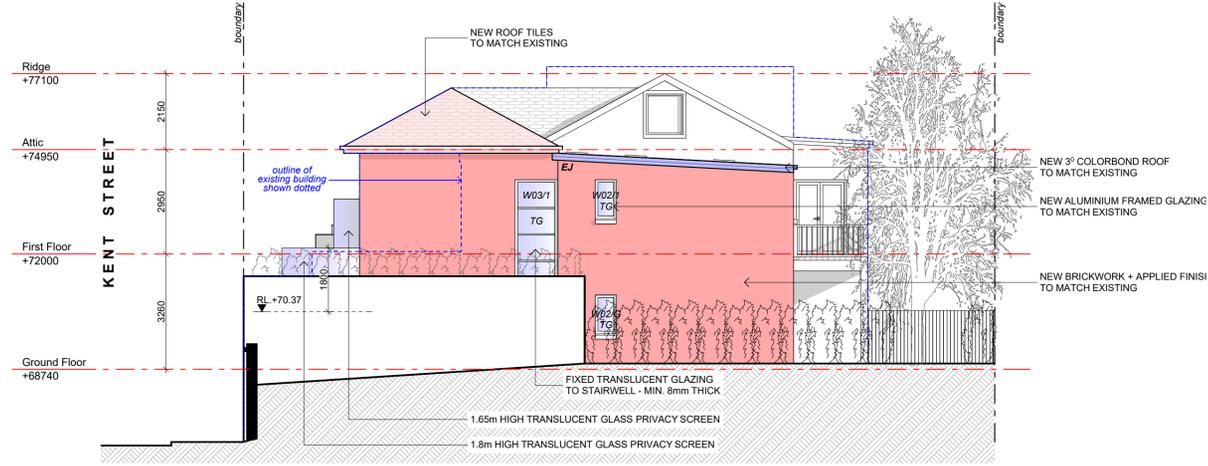
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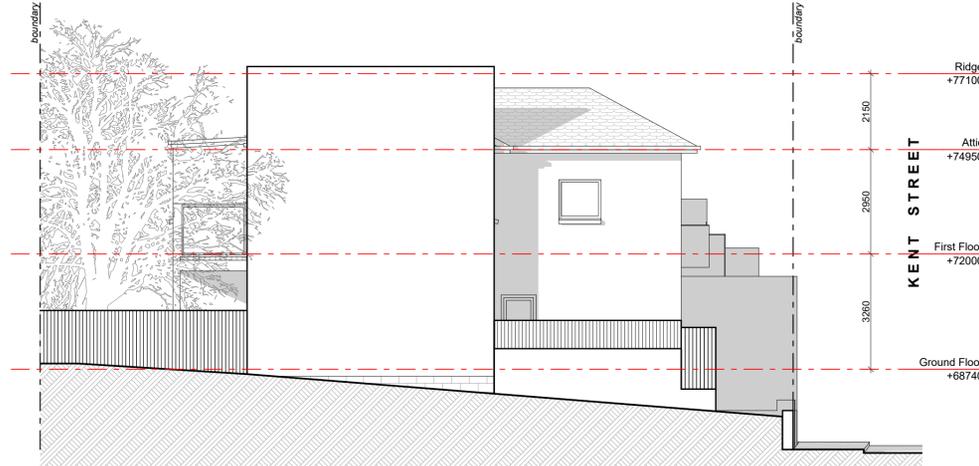
Proposed South Elevation (Kent Streetscape)
Scale 1:100



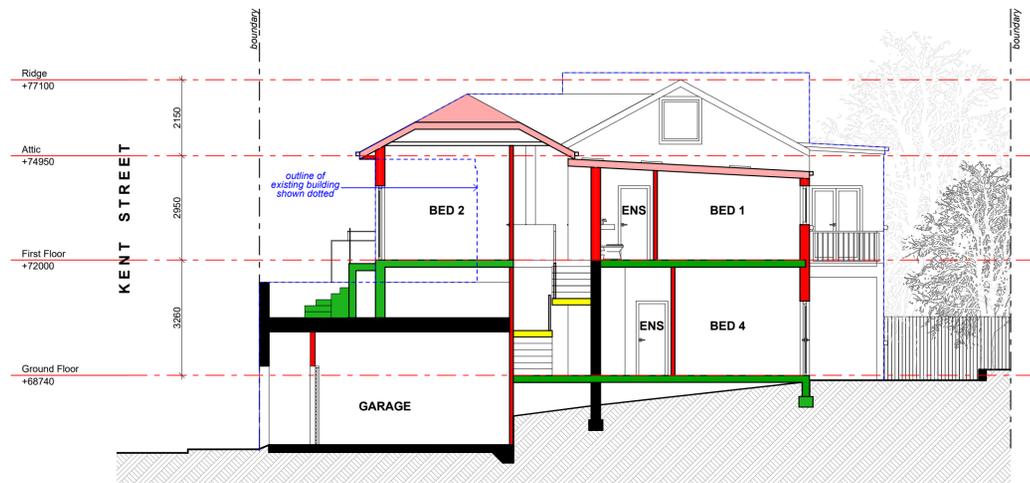
Proposed North Elevation (Rear)
Scale 1:100



Proposed East Elevation
Scale 1:100



Proposed West Elevation (as existing-no change)
Scale 1:100



Proposed Section AA
Scale 1:100

Legend:
EJ = expansion joint
TG = translucent glazing

No.	DATE	ISSUE / AMENDMENT
C	22/03/2019	AMENDED DRAWINGS AS PER COUNCIL'S REQUEST
B	21/11/2017	PRIVACY MEASURES AS PER NEIGHBOURS COMMENTS
A	13/10/2017	DA SUBMISSION TO COUNCIL

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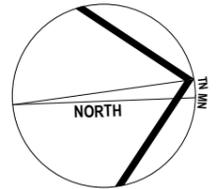
C.M. HAIRIS ARCHITECTS
Suite C5, 8 Allen St, Waterloo NSW 2017
Phone: 02 9690 1488, Mobile: 0412 293 208
Fax: 02 8399 2807 Email: con@cmharchitects.com.au

Client:
Alco Electrics
1A Kambala Road, Bellevue Hill

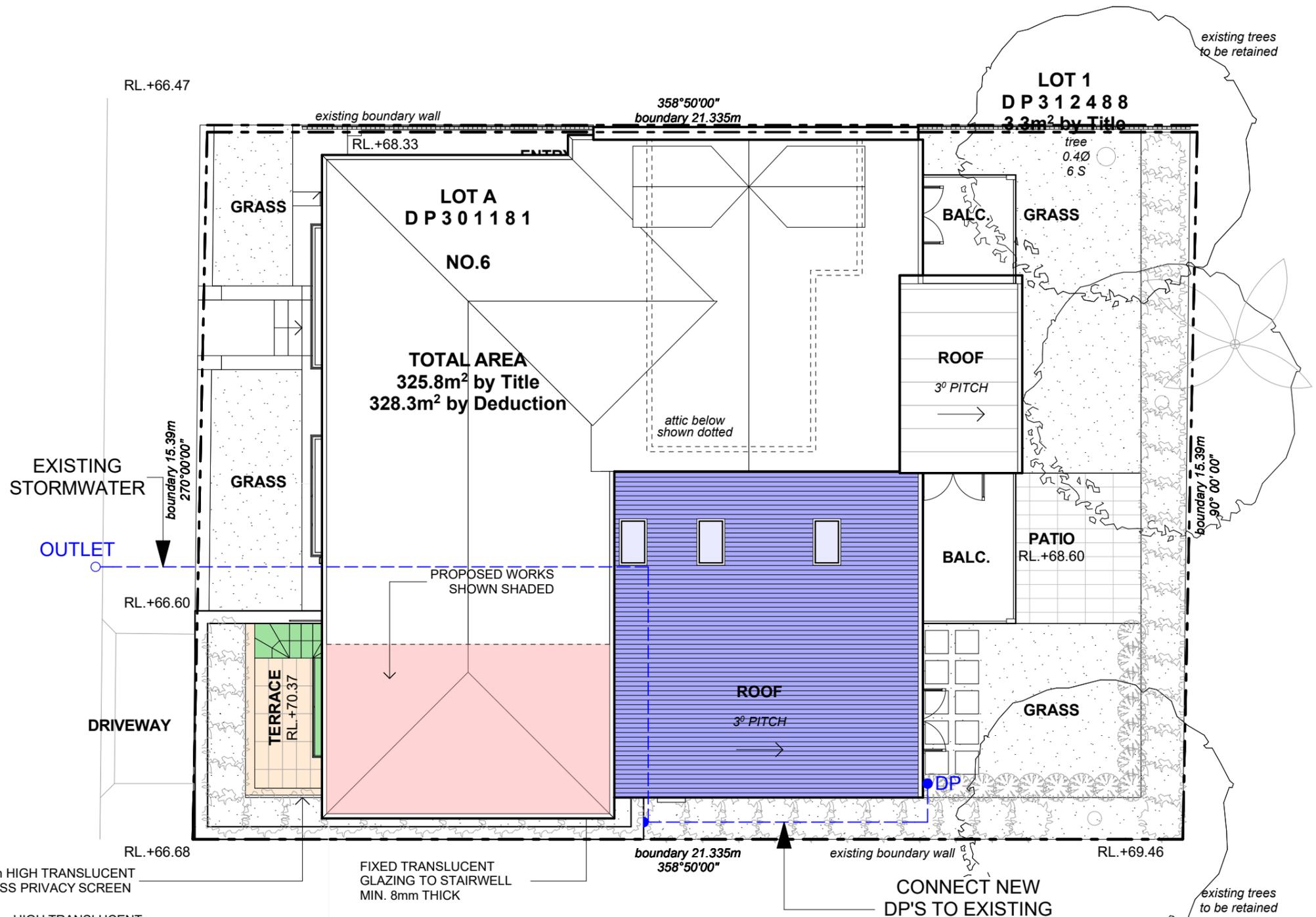
Project:
Proposed Alterations & Additions to Existing Dual Occupancy at: 6 Kent Street, Waverley

Drawing:
Proposed Elevations & Section AA

Job no.: 04/17	Scale: AS SHOWN	Drawing No:
Drawn: JV	Sheet Size: A1	04 C
Checked: CH		



KENT STREET



Water Management Site Plan

Scale 1:100

No.	28/09/2018	DA SUBMISSION TO COUNCIL
No.	DATE	ISSUE / AMENDMENT

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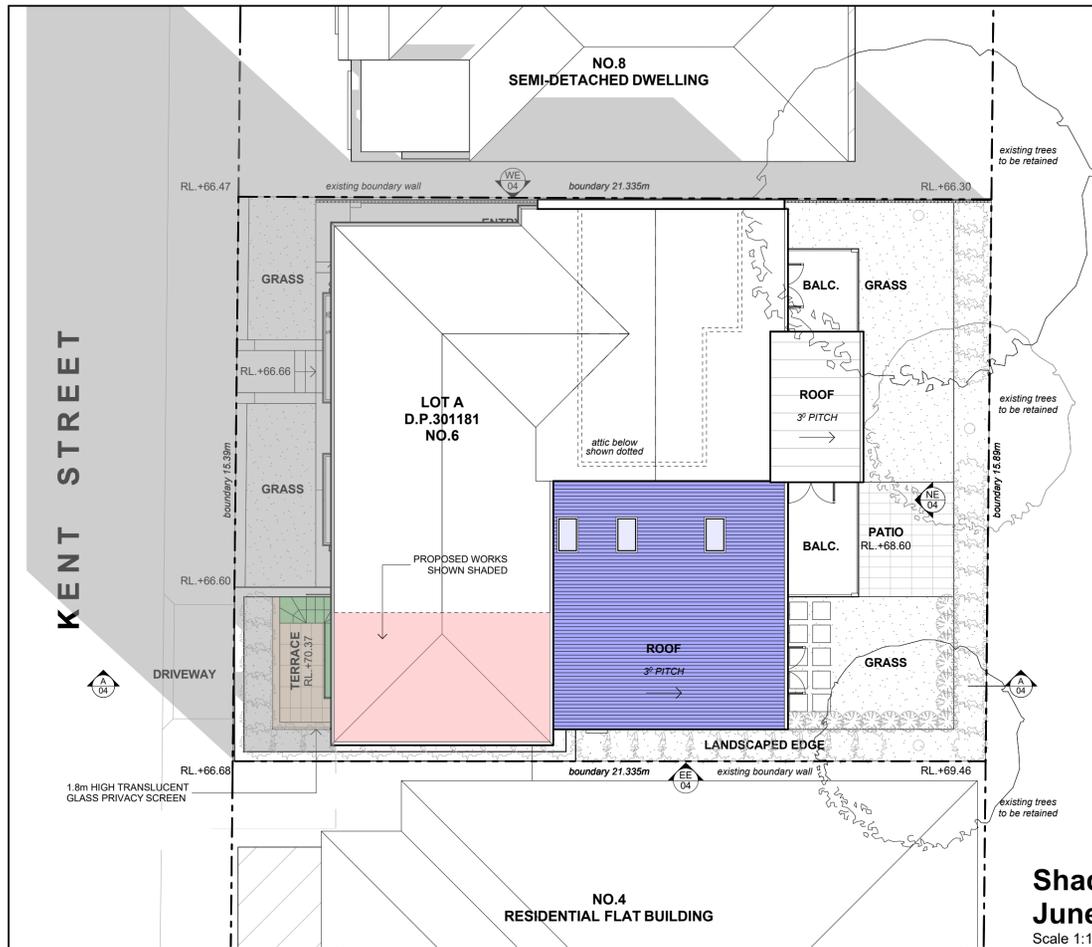
C.M. HAIRIS ARCHITECTS
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 1A Kambla Road, Bellevue Hill

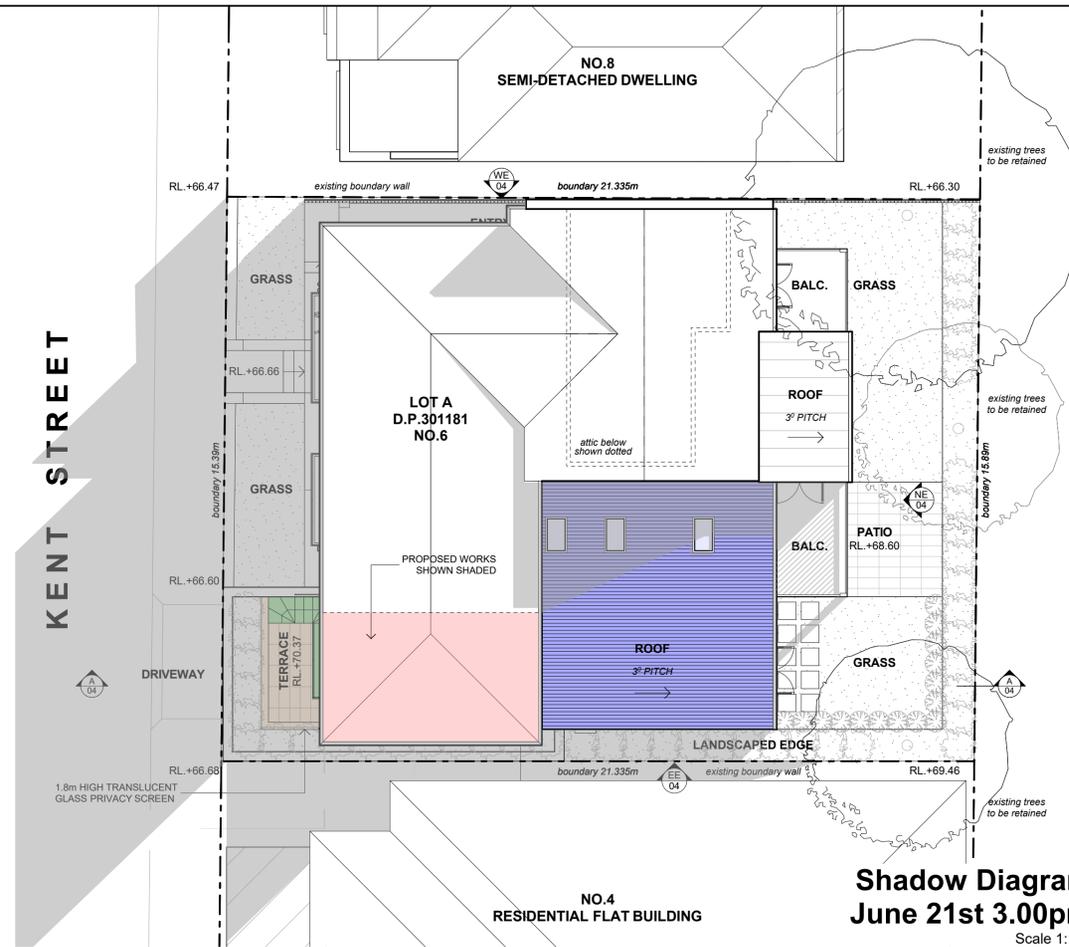
Project:
 Proposed Alterations & Additions
 to Existing Dual Occupancy at:
 6 Kent Street, Waverley

Drawing:
Water Management Site Plan

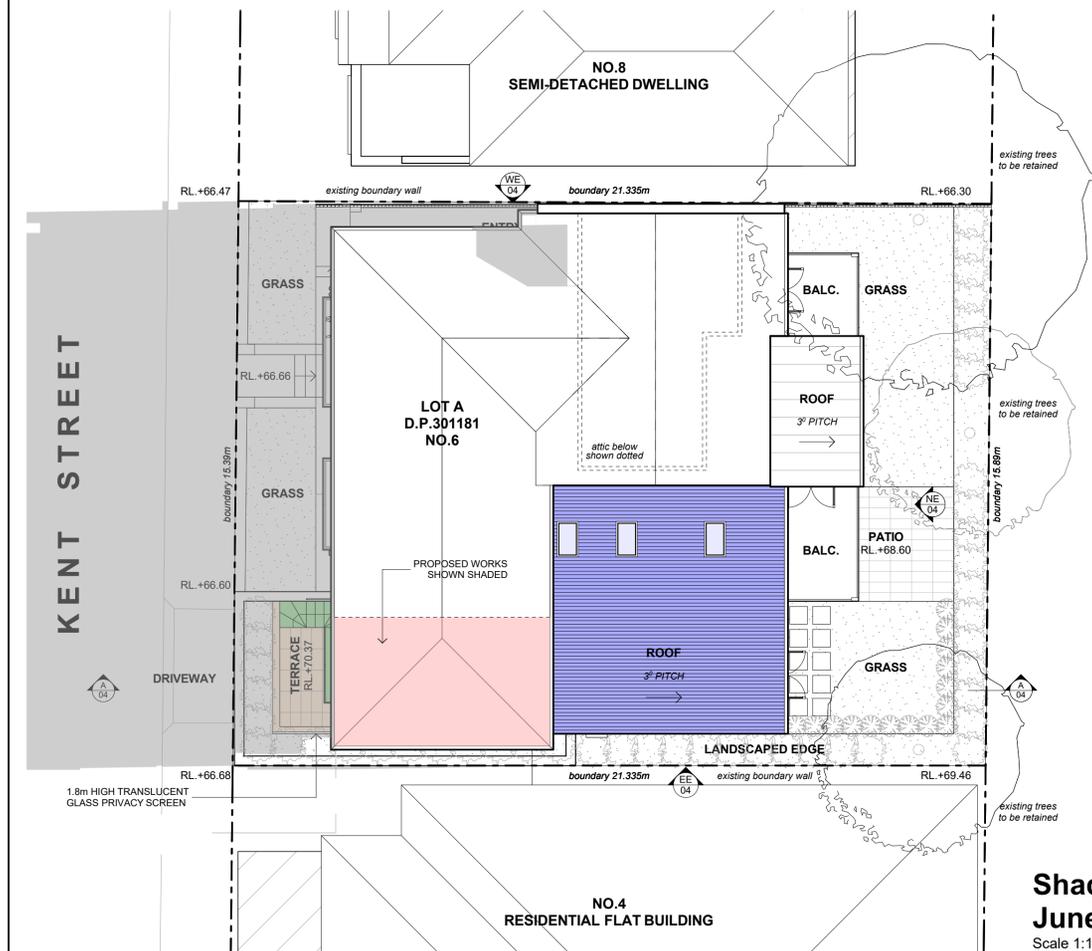
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Shadow Diagram
June 21st 9.00am
 Scale 1:100

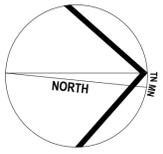


Shadow Diagram
June 21st 3.00pm
 Scale 1:100



Shadow Diagram
June 21st 12.00noon
 Scale 1:100

shadows cast by:
proposed alterations & additions + existing dwelling



No.	DATE	ISSUE / AMENDMENT
C	15/04/2019	AMENDED 3PM SHADOW PLAN
B	22/03/2019	AMENDED DRAWINGS AS PER COUNCIL'S REQUEST
A	13/10/2017	DA SUBMISSION TO COUNCIL

CONTRACTOR SHOULD VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. IF A DISCREPANCY IS FOUND BETWEEN FIGURED DIMENSIONS AND SCALED DIMENSIONS, IT SHOULD BE CHECKED WITH THIS OFFICE. DESIGNS SHOWN HEREON ARE SUBJECT TO COPYRIGHT LAWS. AUTHORITY SHOULD THEREFORE BE REQUESTED FOR ANY REPRODUCTIONS.

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Client:
Alco Electrics
 1A Kambala Road, Bellevue Hill

Project:
Proposed Alterations & Additions to Existing Dual Occupancy at: 6 Kent Street, Waverley

Drawing:
Shadow Diagrams

Job no.: 04/17	Scale: AS SHOWN	Drawing No:
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LOW DENSITY RESIDENTIAL DEVELOPMENT
 Dwelling house, Dual Occupancy, Semi-detached dwelling,
 Attached dwelling, Secondary dwelling



Report to the Waverley Local Planning Panel

Application number	DA-477/2018
Site address	455A Bronte Road, Bronte
Proposal	Alterations and additions to the existing dwelling house, including an attic addition and a pool at the rear
Date of lodgement	19 December 2019 (Amended plans 10 April, 2019)
Owner	Ms S Clark
Applicant	Ms S Clark
Submissions	one (originally two and one withdrawn)
Cost of works	\$484,000.00
Issues	FSR, Height, precinct submission.
Recommendation	That the application be APPROVED.

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 2 April, 2019.

The site is identified as Lot A in DP418343, known as 455a Bronte Road, Bronte. The site is irregular in shape with an eastern frontage to Bronte Road of 15.34m and western rear frontage to Gardyne Street of 12.19m. The site has an area of 526.4m². The site rises up from Bronte Road with substantial sandstone walls and retaining walls up to Gardyne Street.

The site is occupied by a two storey dwelling house with retaining walls at the front and an elevated garage at the rear accessed off Gardyne Street.

The subject site is adjoined by multi-level dwelling houses, with garages to the rear on Gardyne Street. Across Bronte Road to the east is Bronte Park. The locality is characterised by a variety of residential developments including dwelling houses and residential flat buildings.



Figure 1: Site viewed from Bronte Road



Figure 2: Site viewed from Gardyne Street

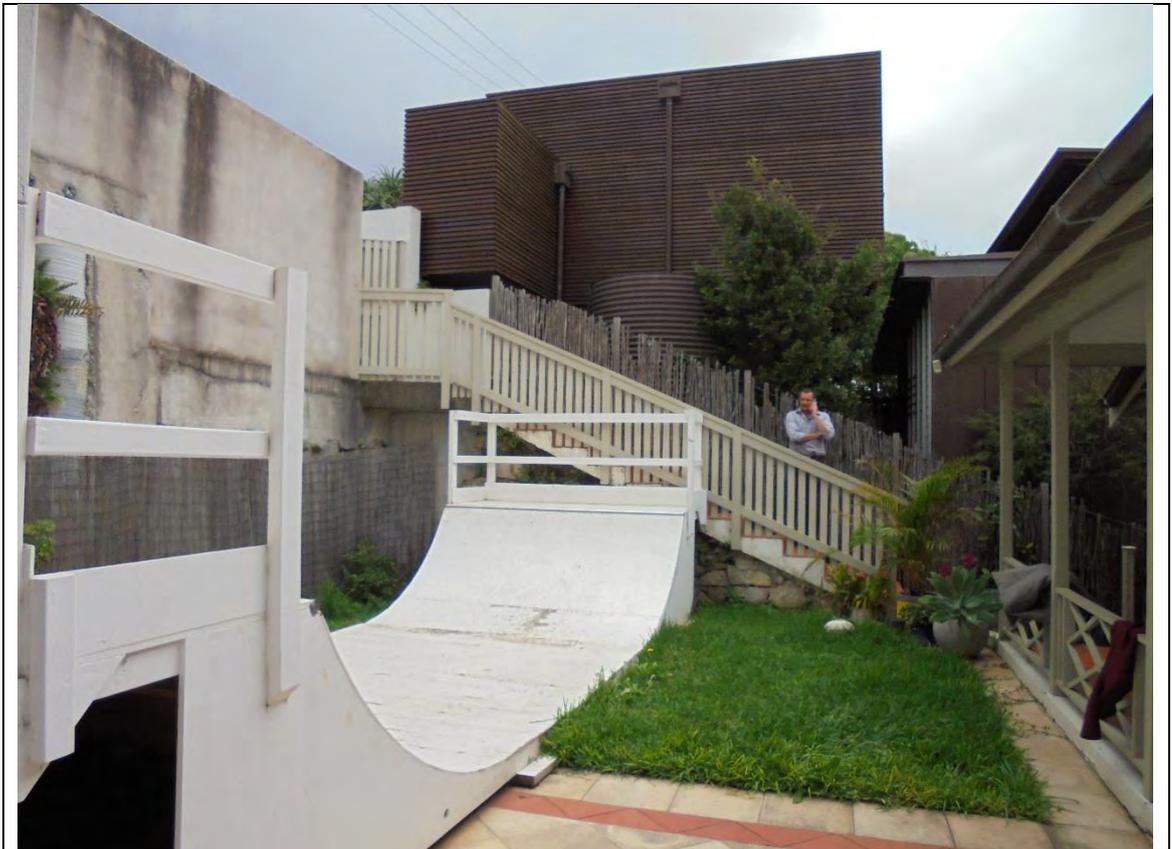


Figure 3: Difference in levels of rear yard to Gardyne Street

1.2 Relevant History

DA-357/2006 – approved 17.08.2006 – rebuilding existing retaining wall, fence and new front steps.

Note: Inspection indicates this work has not been carried out.

In relation to this development application, amended plans were submitted on 10 April 2019, deleting part of the proposed attic addition (south facing dormer), reducing the garage height by 200mm and revising the location of the garage wall to match the survey.

The amendments also brought the front building line back in line with 453 Bronte Road (to the north) and the proposed retaining wall and front lawn in line with 455B Bronte Road (to the south).

The amended plans are the subject of this report.

1.3 Proposal

Development consent is sought to carry out alterations and additions to the existing dwelling house, and includes:

Ground floor and front yard (called Lower Ground Floor on plans)

- Rebuild the existing front retaining wall;
- Increase the height of the upper front yard by 2.02m, level and surround with a planter;
- Internal reconfiguration; and
- Enclose part of the front ground floor terrace and create additional bedrooms and rumpus room. A smaller 1600mm wide terrace is proposed across the front of the building.

Elevated ground floor and rear of site (called Ground Floor on plans)

- Demolish the room in the north western corner of the dwelling and convert to a terrace;
- Construction of a pool and spa and associated decking in the area between the dwelling and Gardyne Street; and
- Enclose a portion of the first floor front balcony and increase the depth of the remaining central bay of the front balcony by 1m, giving a total depth of 3m.

Attic level (called First Floor on plans)

- Provide an attic addition with east and north dormers; and
- Increase the size of the Gardyne Street garage to form a tandem parking arrangement.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The plan is consistent with the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 – Low Density Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	Portions of the existing dwelling house exceed the 8.5m limit, as do some sections of the additions by 2m. (23.5% variation).
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.526:1 (276.9m²) 	No	The building proposed has an FSR of 0.55:1 or 291.5m ² or an exceedance of 14.6m ² . (4.5% 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 height and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located in a class 5 acid sulfate soil zone.
6.2 Earthworks	Yes	Substantial filling up to 2m is proposed at the front of the site to provide for a more useable lawn extending from the ground floor with a planter surround. The existing natural slope up from Bronte Road will be retained.
6.4 Terrestrial biodiversity	Referred for comment	The site is located in a habitat corridor.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.5m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 2.0m or 23.5%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The building height is currently non-compliant. The height is not increased by the proposal and the non-compliance is a result of the constraints of the site.
- The proposal (as amended) will not cause impacts on the nearby residents and will positively contribute to Bronte Road and Gardyne Street.
- The proposal is a well designed and integrated renovation of an existing dwelling.
- Flexibility will provide a better outcome for and from the development and promotes the orderly development of the land by preservation of the existing dwelling.
- The proposal meets the test of the Land and Environment Court.
- The proposal is consistent with the objectives of the development standard, in that the dwelling on the site is of a compatible height, bulk and scale of the locality and positively contributes to the street and public spaces. The addition of roof dormers will not change the building height and will not significantly change bulk and scale. It will therefore continue to complement the existing character as well as the desired future character of the locality.
- The proposal will sit well within its context and ensure reasonable view sharing and overshadowing in the R2 zone.
- Refusing the application will be inconsistent with the existing character of the streetscape and contradictory to completed alterations and additions and newly constructed adjoining dwellings.
- There are numerous examples of developments which has been approved with non-compliances with the height development standard.

Having regard to the applicant's comments and the acceptance of the proposal by the neighbouring properties, noting that the proposal has been reduced to minimise any adverse impacts, the variation is considered reasonable. The variation is, in part, generated by the fall of the site from the rear

towards the front and the existing dwelling platform. It is suggested that in this particular case, strict compliance is unreasonable or unnecessary. As demonstrated by the applicant, there are sufficient environmental planning grounds to justify contravening the development standard and the proposal will be in the public interest because it is consistent with objectives of the development standard and the R2 zone.

Clause 4.4 Floor space ratio

The floor space of the development has been reduced by amended plans received 10 April 2019. The amended plans deleted a dormer (containing an ensuite and walk in robe).

The current amended proposal has an overall floor space ratio of 0.55:1, which exceeds the floor space ratio development standard of 0.526:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 14.6m² in gross floor area or 4.5%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposal will not result in an adverse impact to the adjoining sites.
- The majority of the additional floor area is at ground level with the remainder contained in the roof space.
- To refuse the application would prevent the orderly development of the land.
- The proposal satisfies the Land and Environment Court test.
- The location of the additional floor area will not add to visual bulk when viewed from Bronte Road or Gardyne Street.
- The proposal will be in the public interest as it will enhance the amenity and the functionality of the dwelling without significantly impacting neighbouring properties. The non-compliance is minor and contribute to a quality development which is consistent with the desired character of the precinct and is in the public interest.
- There are numerous examples of developments which has been approved with non-compliances with the floor space development standard.

Having regard to the applicant’s comments and the acceptance of the proposal by the neighbouring properties, noting that the proposal has been reduced to minimise any adverse impacts, the variation is considered reasonable. It is suggested that in this particular case, strict compliance is unreasonable or unnecessary. As demonstrated by the applicant, there are sufficient environmental planning grounds to justify contravening the development standard and the proposal will be in the public interest because it is consistent with objectives of the development standard and the R2 zone.

2.1.4 Waverley Development Control Plan 2012 (Amendment 6)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste on site.

Development Control	Compliance	Comment
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, and a condition will be imposed to ensure that solid fuel heating is not used. Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.
3. Landscaping and Biodiversity	Yes	The site is located in Habitat Corridor. The application was referred to Council's Biodiversity Officer and considered compliant.
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
8. Transport	Yes	The proposed garage extension has a satisfactory streetscape impact, following the guidance of the DCP controls. The vehicular access to the site is limited to one cross over; is satisfactorily located; and complies with the minimum required dimensions and other technical requirements. The proposed car parking structure compliments the design of the building and streetscape; is behind the front building line; and does not reduce the number of on street spaces or exceed the maximum rate of parking permitted in the parking zone.

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

The proposal is defined as a “Dwelling House” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area 	Yes	The proposal does not contravene the general objectives of this part of the DCP and is of an appropriate design, integrating appropriately in to the existing dwelling.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> High design standard 		
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	External wall planes do not exceed 7m.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes Yes	The amended plan shows the dwelling house lines up with dwelling house to the north. It is; however, noted that the front building line varies due to the road alignment. The dwelling house is not extended towards the rear.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1200mm 	No	900mm side setbacks provided in line with the existing dwelling house. As this is infill of verandahs within the general building envelope, the setbacks are considered reasonable. The proposed attic is located 3.67m from the northern side boundary and considered acceptable.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 	Yes Yes Yes	The streetscape impact is compatible with the varied streetscape. Openings retain character of the existing building. Front landscaped area and slope is being retained.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. 	Yes Yes	The windows to the northern dormer are located 3.67m from the boundary and not directly opposite windows in the adjoining dwelling house. The windows are to an ensuite and stair. No external stairs proposed.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	No	<p>The front balcony to the attic addition is compliant.</p> <p>The existing first floor balcony is proposed to be increased in depth to 3m in the central section. The balcony will have an area of 24m² and is discussed further below.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The existing development overshadows the dwelling house to the south, due to the orientation of the lots and difference in levels on the slope in this section in Bronte Road.</p> <p>The proposal has been redesigned to reduce overshadowing and is considered reasonable. The majority of additional shadowing will fall mainly onto sections of the roof of the adjoining dwelling house.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>Yes</p>	<p>No impact on public views.</p> <p>No impact on views from adjoining sites.</p>
2.8 Car parking		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Existing garage on site being extended.</p> <p>In keeping with existing streetscape.</p> <p>The garage is located to the rear on Gardyne Street and is in keeping with other garages in this section of Gardyne Street.</p> <p>Single driveway retained.</p> <p>This section of Gardyne Street is considered a secondary street to Bronte Road.</p>

Development Control	Compliance	Comment
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms 	Yes	Two spaces are provided.
2.8.3 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Existing development to be in accordance with the hierarchy of preferred car parking locations 	N/A Yes	The existing garage is being extended further away from the street (tandem).
2.8.4 Design <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area & appearance to the design of the residences • No part of the façade is to be demolished to accommodate car parking • Gates to have an open design 	Yes Yes Yes N/A	The existing garage is being extended into the site (tandem spaces), and partially into the roof space of the dwelling house. Located at the rear of the dwelling house. The front façade is not impacted.
2.8.5 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Meets minimum requirements.
2.8.6 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) • Crossings not permitted where 2 on street spaces are lost 	Yes Yes Yes	Driveway meets the DCP requirements.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area (210m²) 	Yes	>210m ² provided.
<ul style="list-style-type: none"> • Overall landscaped area: 15% of site area (78.9m²) 	Yes	>160m ² provided.
<ul style="list-style-type: none"> • Minimum area of 25m² for private open space 	Yes	>25m ² provided.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	100% provided.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	>50% provided.
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	No	There have been no details provided of outdoor drying areas. A suitable condition is recommended.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	The pool is located at the rear of the dwelling house, which is the area between the dwelling house and Gardyne Street. Given the change in levels (around 3.8m), the pool will not be visible or have a streetscape impact.
2.11 Dormer windows		
<ul style="list-style-type: none"> If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling 	N/A	
<ul style="list-style-type: none"> Minimum 0.3m below main roof ridge 	No	Dormers are level with roof hip. Conditioned to comply.
2.14 Dual Frontage Development		
2.14.1 - General Controls		
<ul style="list-style-type: none"> Primary and secondary frontage to be defined 	Yes	Bronte Road is in the property frontage and in this section Gardyne Street is more of a service road.
<ul style="list-style-type: none"> Appropriate forms to be provided to each street 	Yes	As with adjoining sites, Gardyne Street in this section contains the garage structures. There is little change to the streetscape as the existing garage is being retained and extended into the site.

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

Privacy/ balcony size

The front balcony to the attic addition is compliant in size and acceptable.

The existing first floor balcony is proposed to be modified, with a section infilled and the central section increased in width to 3m. The balcony will have an area of 24m². It is noted that the balcony faces the public domain and the front of properties in this section of Bronte Road enjoy little privacy.

The balcony will not impact to a greater extent on adjoining sites and is considered reasonable given the existing situation. From the existing situation, the amount of balconies on the front of the building is being substantially reduced.

Dormer Windows

Council's DCP requires that to retain the original roof form, dormers be located 300mm below the ridge. The proposal seeks to run the two dormers off the ridge. A condition is recommended, requiring the setting down of the dormers to 300mm below the ridge.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

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

Two submissions were received to the original proposal. The objection from the neighbour to the south was withdrawn following the submission of amended plans.

The issues raised in the remaining submission are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
Bronte Precinct Group

Issue: Excessive height and impact on streetscape.

Response: This issue has been addressed in the report as well as in the 4.6 Objection commentary and is considered acceptable.

Issue: Additional bulk to an already dominant building.

Response: It is agreed that the existing building is substantial when viewed from Bronte Road. The additions, as amended, are however; considered well integrated into the overall building and are acceptable. Issues of height and FSR have been considered in the assessment of the proposal.

Issue: Excessive floor space.

Response: This issue has been addressed in the report as well as in the 4.6 Objection commentary and have been reduced since lodgement, with the deletion of a portion of the attic.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

Council's Engineers have advised that the proposal is satisfactory and have provided conditions of consent.

3.2 Stormwater – Creating Waverley

Council's Engineers have advised that the stormwater details are not satisfactory and a suitable condition is recommended.

3.3 Biodiversity – Sustainable Waverley

Council's Biodiversity Officer has advised that the proposal is satisfactory.

4. SUMMARY

The proposal is to carry out alterations and additions to the existing dwelling house. The site runs from Bronte Road (frontage) up to and Gardyne Street (rear of site). There is an existing two storey dwelling house set high on the site. The proposal relies on 4.6 objections for floor space ratio and height variations. These variations are supported as outlined in the report. There are also a number of DCP variations sought by the applicant and these are also considered in the report.

The amended application attracted one letter of objection. The issues have been discussed in the assessment and conditions applied where appropriate. No Councillor submissions were received and no notices of conflict of interest were lodged.

On balance the application is supported.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Peter Thomas
Senior Development Assessment Planner

Bridget McNamara
Manager, Development Assessment (South)

Date: 16 April 2019

Date: 16 May 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans prepared by Chapman Architecture as follows:

Drawing No	Drawing Name	Date	Received by Council
DA-03 B	Proposed Lower Ground Floor Plan	8/4/19	10/4/19
DA-04 B	Proposed Ground Floor Plan	8/4/19	10/4/19
DA-05 B	Proposed First Floor Plan	8/4/19	10/4/19
DA-06 C	Proposed Roof Plan, Landscape Plan & Stormwater Management Plan	15/5//19	14/5/19
DA-07 B	Proposed East Elevation	8/4/19	10/4/19
DA-08 B	Proposed West Elevations & External Materials Schedule	8/4/19	10/4/19
DA-09 B	Proposed North Elevation	8/4/19	10/4/19
DA-10 B	Proposed South Elevation	8/4/19	10/4/19
DA-11 B	Proposed Long Section	8/4/19	10/4/19

- (b) BASIX Certificate No. A334675 dated 19 December 2018, and received by Council on 19 December 2018;

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The provision of an outdoor drying area at the rear of the dwelling house.
- (b) The dormers are to be set 300mm lower than the main roof ridge in accordance with Waverley DCP 2012, Amendment 6.

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

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of certification or 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. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

4. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

5. APPROVED USE -DWELLING HOUSE

This application approves the use of the building on the site for a single dwelling house.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 7.12 CONTRIBUTION

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

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

(1) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$10,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

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

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

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

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

10. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding

are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

11. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

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

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

13. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. ENGINEERING DETAILS

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

16. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

17. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

18. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

19. SANDSTONE WALL

The existing sandstone wall to Bronte Road shall be retained and or reinstated (ie stone salvaged and reused on site). Any replacement stone shall be of a suitable quality to match the existing and adjoining walls. The wall is to be a block work wall and not a clad wall. The wall shall be constructed using appropriate tradesmen skilled in traditional block work construction.

Details of the works, including provision for storage of stone if required and grade of matching stone, shall be provided for in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority.

20. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

21. ROOFWATER GUTTERING

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

22. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works

not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

25. PRIOR TO SITE WORKS

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

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

26. HOME BUILDING ACT

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

27. CONSTRUCTION SIGNS

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

28. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

29. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

31. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

32. COMPLIANCE WITH SAFE WORK NSW

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

33. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

34. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

35. EXCAVATION BELOW FOOTINGS

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

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

36. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste.

For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

37. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

38. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

39. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

41. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

42. NATIONAL CONSTRUCTION CODE (NCC)

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

43. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;

- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling pool.

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

44. CERTIFICATE OF SURVEY – LEVELS

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

45. TREE PRESERVATION

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

46. TREE PROTECTION

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

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

47. WORK OUTSIDE PROPERTY BOUNDARY

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

48. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;

- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

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

49. FINAL OCCUPATION CERTIFICATE

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

50. STORMWATER MANAGEMENT

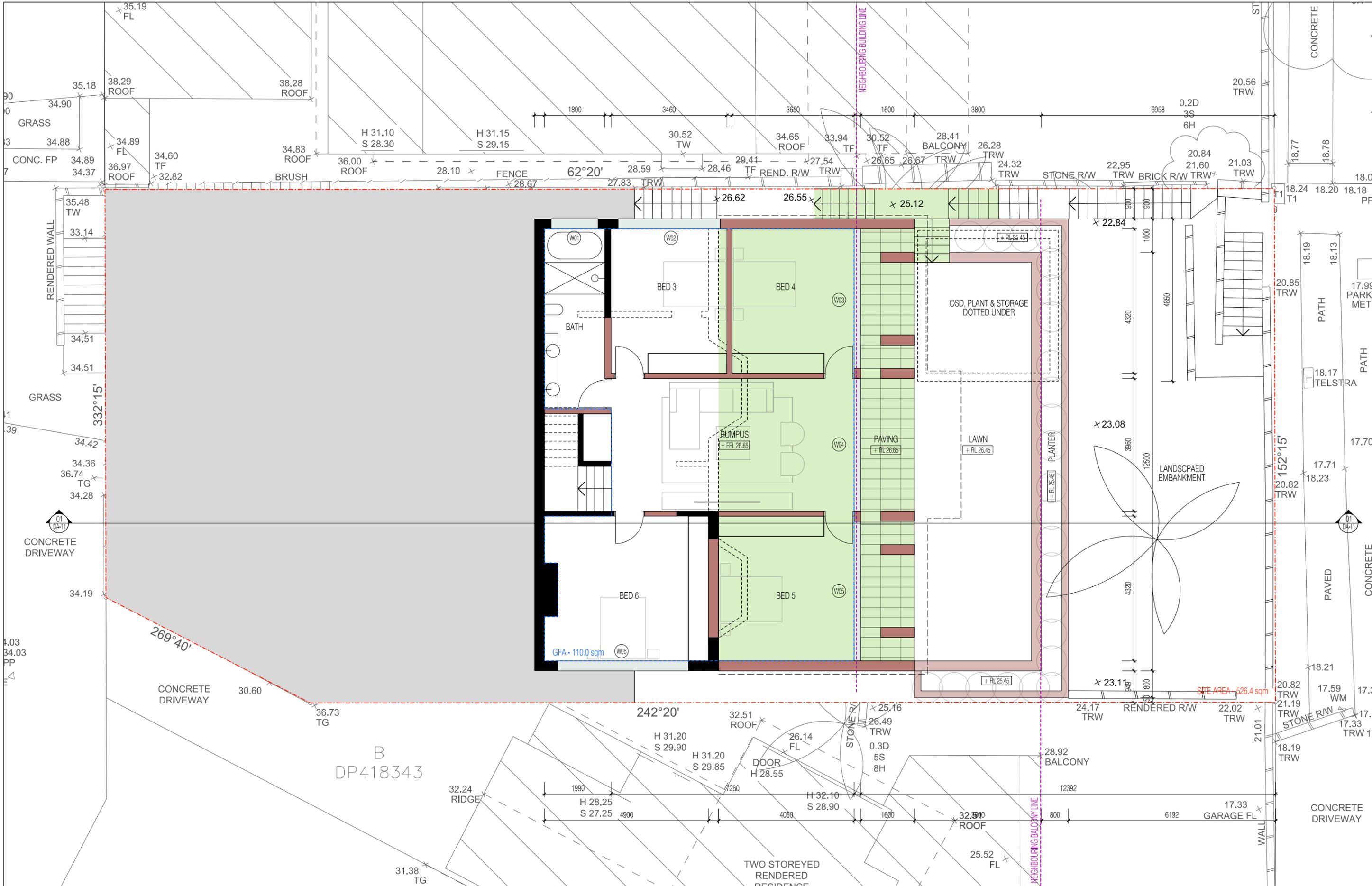
Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

51. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.

- (f) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (g) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.



NOT FOR CONSTRUCTION

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REVISION:

A	DEVELOPMENT APPLICATION	22.11.2018
B	DEVELOPMENT APPLICATION AMENDMENTS	08.04.2019

LEGEND:

[Red dashed line]	SITE BOUNDARY	[Brown outline]	NEW FRAMED CONSTRUCTION	BR	BRICK RENDERED	MD	METAL DOOR
[Blue dashed line]	GFA (GROSS FLOOR AREA)	[Red outline]	NEW MASONRY CONSTRUCTION	FC	FIBRE CEMENT CLADDING	RM	ROOF METAL
[Green dashed line]	DEEP SOIL PLANTING	[Green outline]	NEW CONCRETE CONSTRUCTION	GF	GLASS FIXED	SC	STONE CLADDING
[Black dashed line]	DEMOLITION	[Blue outline]	NEW METAL CONSTRUCTION	GO	GLASS OPERABLE	TP	TIMBER PAINTED
[Black solid line]	EXISTING CONSTRUCTION	[Green solid line]	NEW GLAZING				

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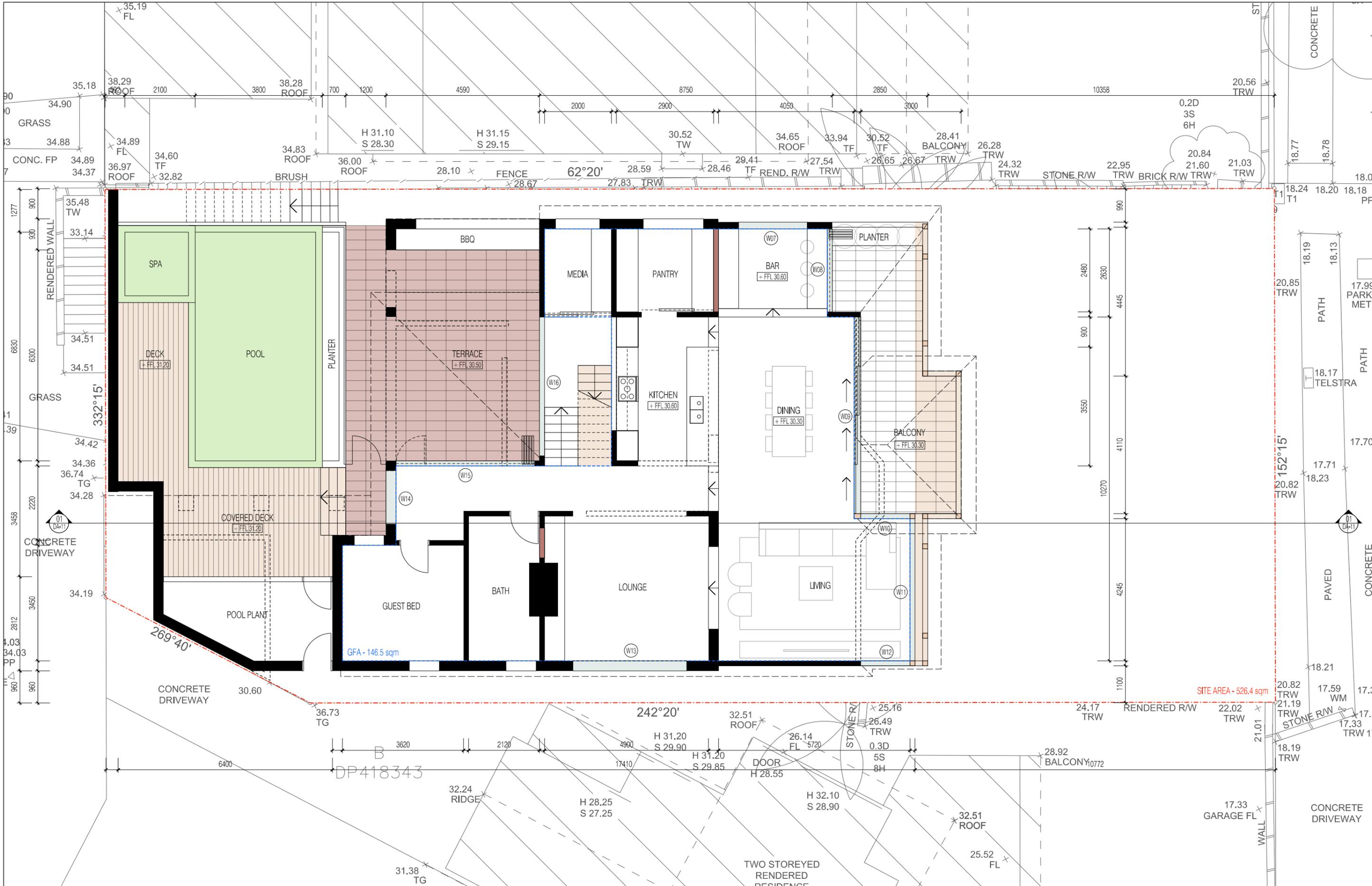
PROJECT:
 455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
PROPOSED LOWER GROUND FLOOR PLAN

DRAWING NO.: DA-03 REVISION: B DATE: 08.04.2019

SCALE:
 1:100 @ A3

141



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B	DEVELOPMENT APPLICATION AMENDMENTS	08.04.2019

LEGEND:

[Red dashed line]	SITE BOUNDARY	[Brown fill]	NEW FRAMED CONSTRUCTION	BR	BRICK RENDERED	MD	METAL DOOR
[Blue dashed line]	GFA (GROSS FLOOR AREA)	[Red fill]	NEW MASONRY CONSTRUCTION	FC	FIBRE CEMENT CLADDING	RM	ROOF METAL
[Green dashed line]	DEEP SOIL PLANTING	[Green fill]	NEW CONCRETE CONSTRUCTION	GF	GLASS FIXED	SC	STONE CLADDING
[Black dashed line]	DEMOLITION	[Blue fill]	NEW METAL CONSTRUCTION	GO	GLASS OPERABLE	TP	TIMBER PAINTED
[Black solid line]	EXISTING CONSTRUCTION	[Light green fill]	NEW GLAZING				

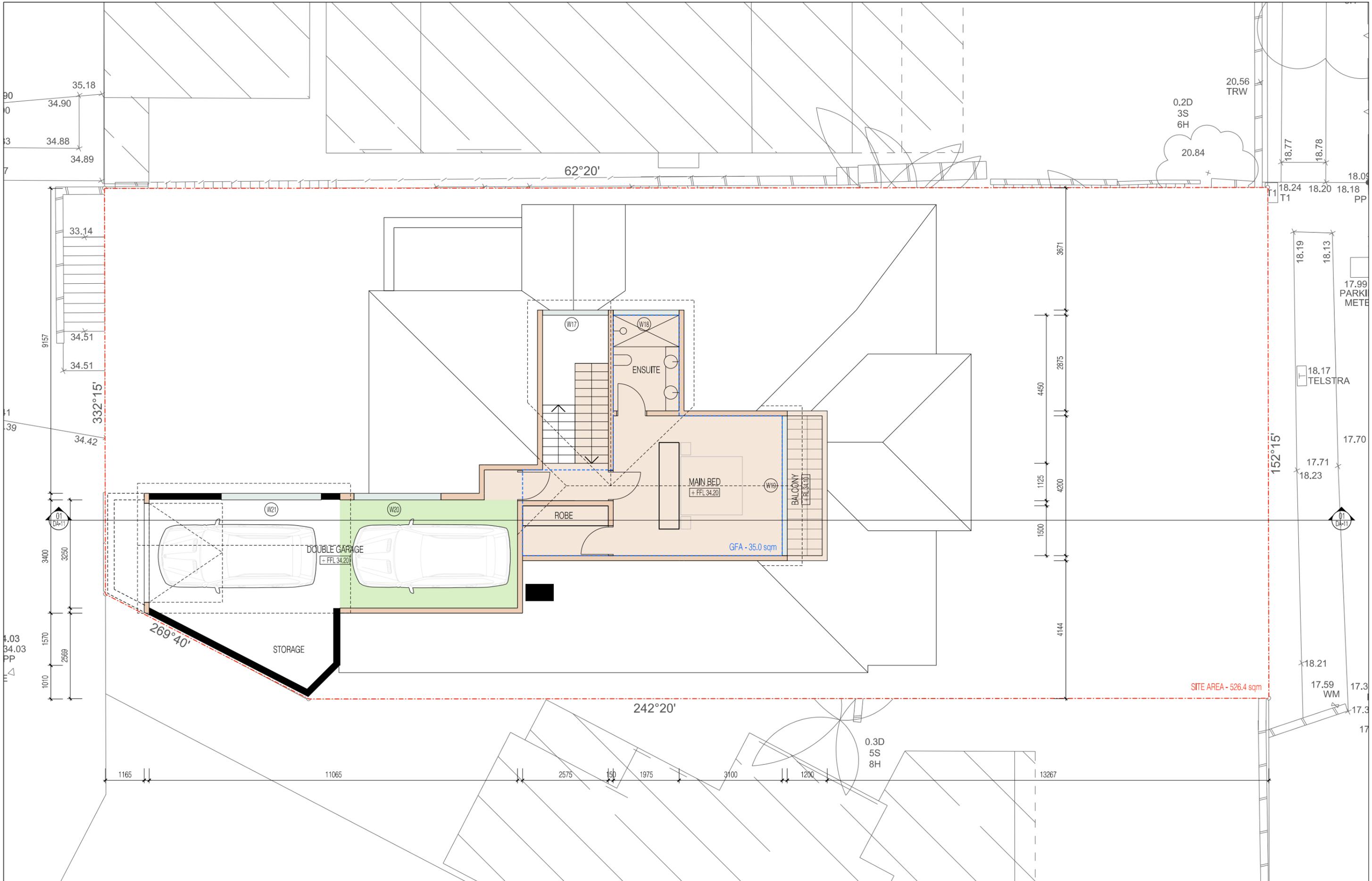
ARCHITECT:
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PROJECT:
 455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
 PROPOSED GROUND FLOOR PLAN
 DRAWING NO.: DA-04
 REVISION: B
 DATE: 08.04.2019

SCALE:
 1:100 @ A3

142



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B	DEVELOPMENT APPLICATION AMENDMENTS	08.04.2019

LEGEND:

[Red dashed line]	SITE BOUNDARY	[Brown box]	NEW FRAMED CONSTRUCTION	BR	BRICK RENDERED	MD	METAL DOOR
[Blue dashed line]	GFA (GROSS FLOOR AREA)	[Red box]	NEW MASONRY CONSTRUCTION	FC	FIBRE CEMENT CLADDING	RM	ROOF METAL
[Green dashed line]	DEEP SOIL PLANTING	[Green box]	NEW CONCRETE CONSTRUCTION	GF	GLASS FIXED	SC	STONE CLADDING
[Black dashed line]	DEMOLITION	[Blue box]	NEW METAL CONSTRUCTION	GO	GLASS OPERABLE	TP	TIMBER PAINTED
[Black solid line]	EXISTING CONSTRUCTION	[Light green box]	NEW GLAZING				

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PROJECT:
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CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
 PROPOSED FIRST FLOOR PLAN

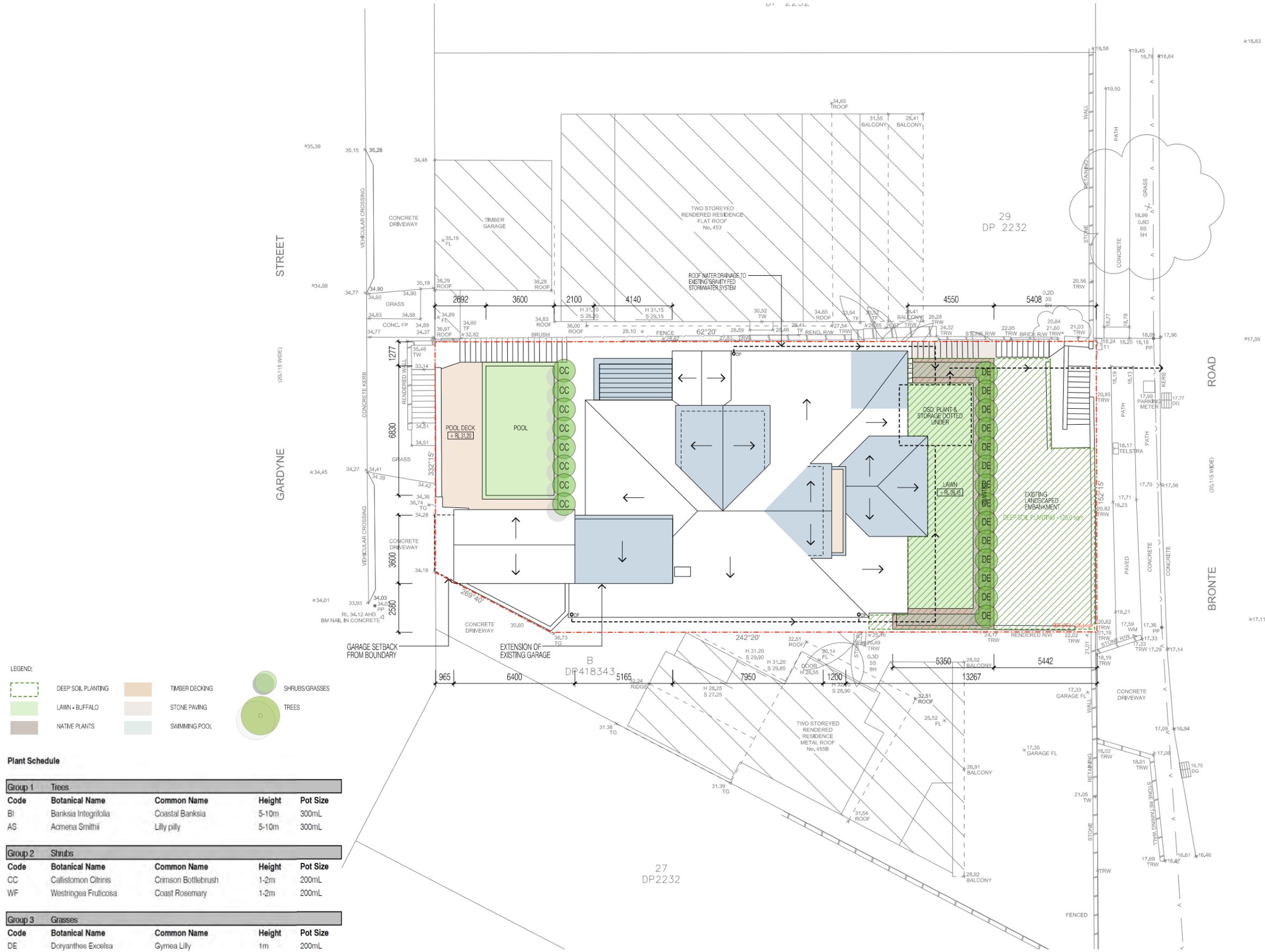
DRAWING NO.: DA-05 REVISION: B DATE: 08.04.2019

SCALE:
 1:100 @ A3

0m 1m 2m 5m

143

GROSS FLOOR AREA (GFA) CALCULATIONS	
SITE AREA	526.4 sqm
EXISTING LOWER GROUND FLOOR	67 sqm
EXISTING GROUND FLOOR	182 sqm
EXISTING TOTAL	249 sqm
PROPOSED LOWER GROUND FLOOR	110sqm
PROPOSED GROUND FLOOR	146.5 sqm
PROPOSED FIRST FLOOR (ATTIC)	35.0 sqm
PROPOSED TOTAL	291.5 sqm
PROPOSED FSR	0.55:1



LEGEND:

- DEEP SOIL PLANTING
- LAWN - BUFFALO
- NATIVE PLANTS
- TIMBER DECKING
- STONE PAVING
- SWIMMING POOL
- SHRUBS/GRASSES
- TREES

Plant Schedule

Group 1 Trees				
Code	Botanical Name	Common Name	Height	Pot Size
BI	Banksia Integrifolia	Coastal Banksia	5-10m	300mL
AS	Acmena Smithii	Lilly pilly	5-10m	300mL

Group 2 Shrubs				
Code	Botanical Name	Common Name	Height	Pot Size
CC	Callistemon Citrinis	Crimson Bottlebrush	1-2m	200mL
WF	Westringea Fruticosa	Coast Rosemary	1-2m	200mL

Group 3 Grasses				
Code	Botanical Name	Common Name	Height	Pot Size
DE	Doryanthes Excelsa	Gymea Lilly	1m	200mL

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REVISION:

REVISION	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	22.11.2018
B	DEVELOPMENT APPLICATION AMENDMENTS	08.04.2019
C	FSR CALCULATION AMENDMENTS	15.05.2019

LEGEND:

	SITE BOUNDARY		NEW FRAMED CONSTRUCTION	BR	BRICK RENDERED	MD	METAL DOOR
	GFA (GROSS FLOOR AREA)		NEW MASONRY CONSTRUCTION	FC	FIBRE CEMENT CLADDING	RM	ROOF METAL
	DEEP SOIL PLANTING		NEW CONCRETE CONSTRUCTION	GF	GLASS FIXED	SC	STONE CLADDING
	DEMOLITION		NEW METAL CONSTRUCTION	GO	GLASS OPERABLE	TP	TIMBER PAINTED
	EXISTING CONSTRUCTION		NEW GLAZING				

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PROJECT:
 455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
 PROPOSED ROOF PLAN, LANDSCAPE PLAN & STORMWATER MANAGEMENT PLAN
 DRAWING NO.: DA-06
 REVISION: C
 DATE: 15.05.2019

SCALE:
 1:200 @ A3

144

8.5M HEIGHT LINE

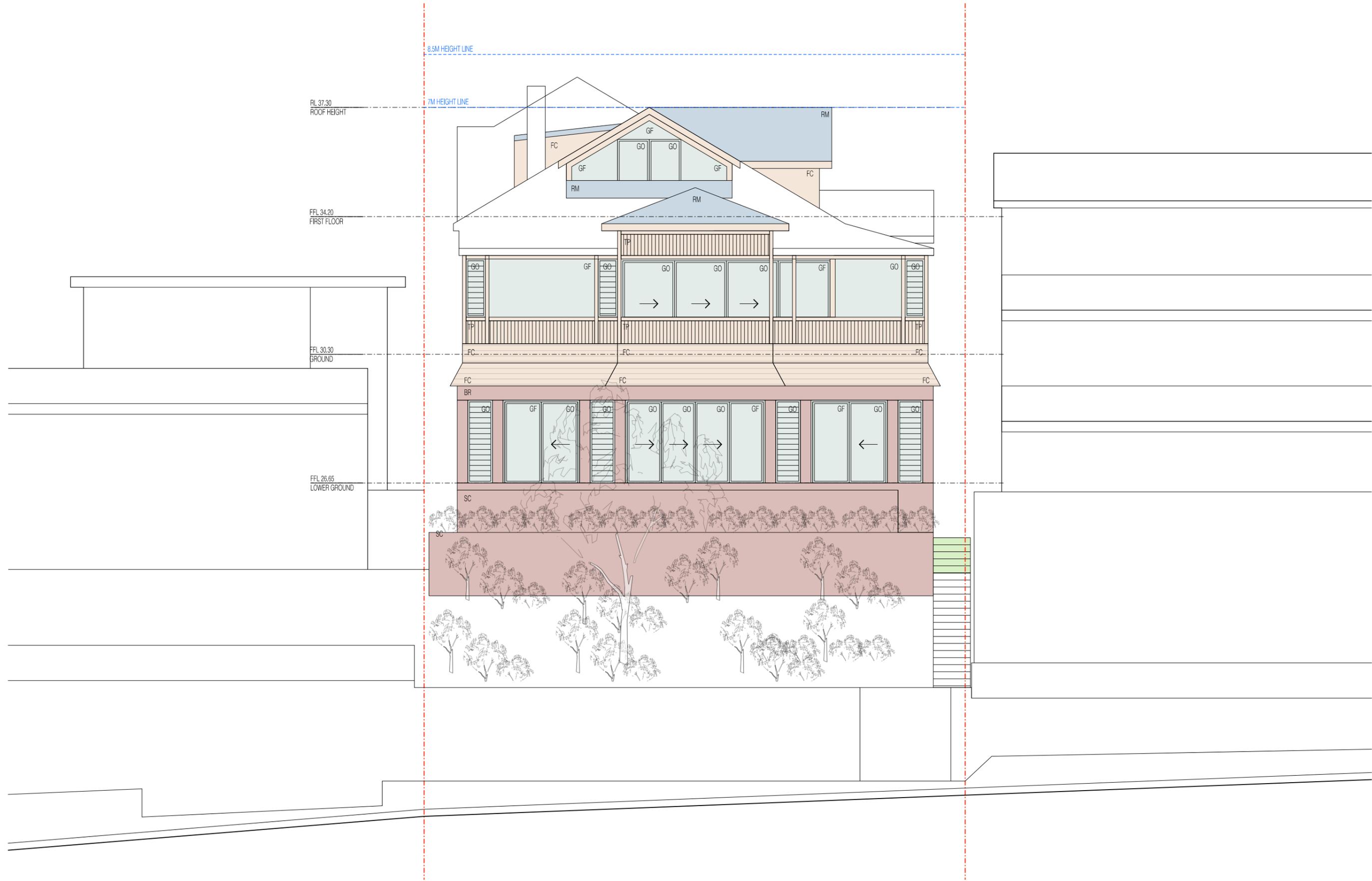
7M HEIGHT LINE

RL 37.30
ROOF HEIGHT

FFL 34.20
FIRST FLOOR

FFL 30.30
GROUND

FFL 26.65
LOWER GROUND



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REVISION:

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B	DEVELOPMENT APPLICATION AMENDMENTS	08.04.2019

LEGEND:

- SITE BOUNDARY
- GFA (GROSS FLOOR AREA)
- DEEP SOIL PLANTING
- DEMOLITION
- EXISTING CONSTRUCTION

- NEW FRAMED CONSTRUCTION
- NEW MASONRY CONSTRUCTION
- NEW CONCRETE CONSTRUCTION
- NEW METAL CONSTRUCTION
- NEW GLAZING

- BR BRICK RENDERED
- FC FIBRE CEMENT CLADDING
- GF GLASS FIXED
- GO GLASS OPERABLE
- MD METAL DOOR
- RM ROOF METAL
- SC STONE CLADDING
- TP TIMBER PAINTED

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PROJECT:

455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:

PROPOSED EAST ELEVATION

DRAWING NO.: DA-07

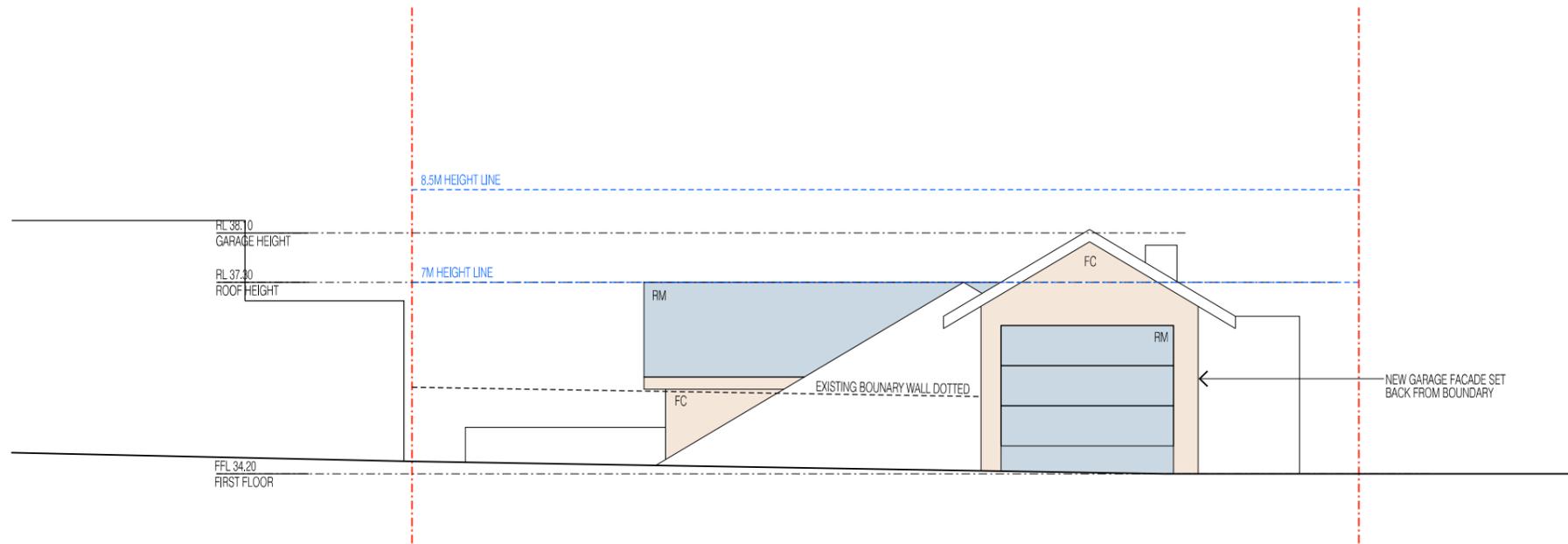
REVISION: B

DATE: 08.04.2019

SCALE:

1:100 @ A3





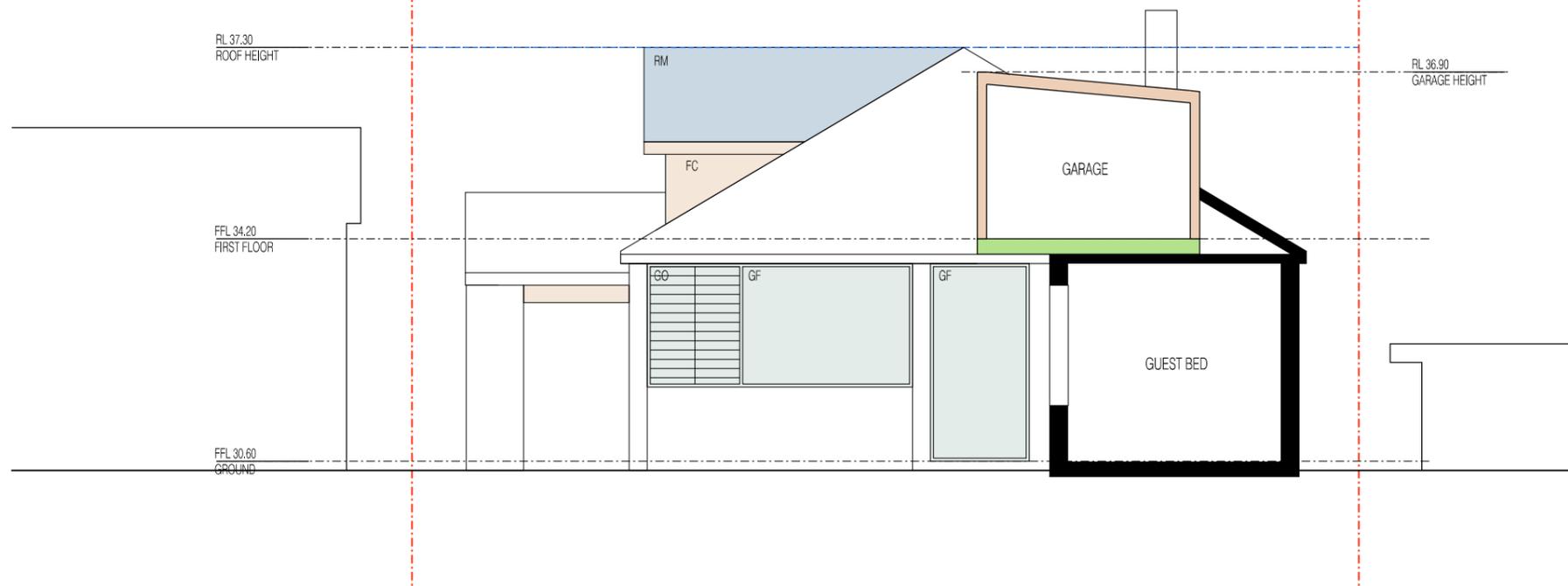
01 WEST (STREET) ELEVATION



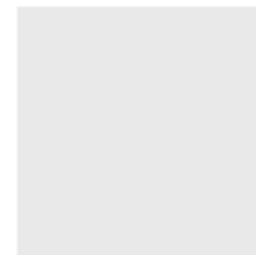
TP
TIMBER PAINTED
LIGHT NEUTRAL COLOUR



SC
STONE CLADDING
SANDSTONE - LIGHT COLOUR



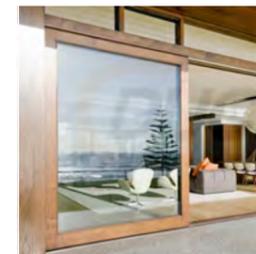
02 WEST (BUILDING) ELEVATION



BR
BRICKWORK RENDERED
PAINT FINISH
LIGHT NEUTRAL COLOUR



FC
FC WEATHERBOARD CLADDING
WEATHERTEX WOODSMAN
PAINT FINISH
LIGHT NEUTRAL COLOUR



GF & GO
FIXED GLAZING & OPERABLE GLAZING
TIMBER FRAME WINDOWS AND DOORS
CLEAR FINISH



MR
METAL ROOF SHEETING
COLORBOND CUSTOM ORB
NON-REFLECTIVE
COLOUR - WINDSPRAY

03 EXTERNAL MATERIALS SCHEDULE

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B DEVELOPMENT APPLICATION AMENDMENTS 08.04.2019

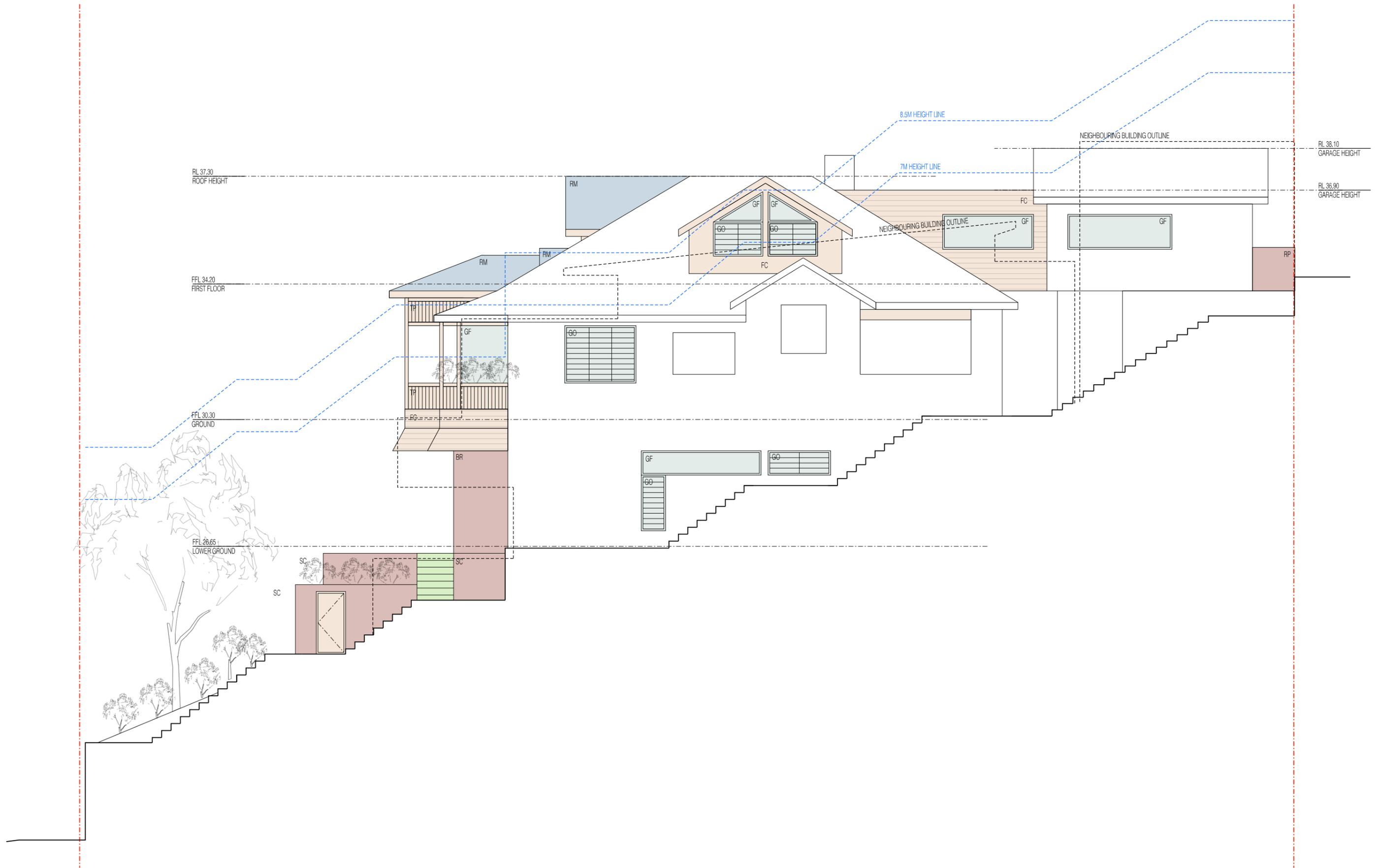
LEGEND:

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PROJECT:
 455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
PROPOSED WEST ELEVATIONS & EXTERNAL MATERIALS SCHEDULE
 DRAWING NO.: DA-08
 REVISION: B
 DATE: 08.04.2019

SCALE:
 1:100 @ A3



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REVISION:		DATE:
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B	DEVELOPMENT APPLICATION AMENDMENTS	08.04.2019

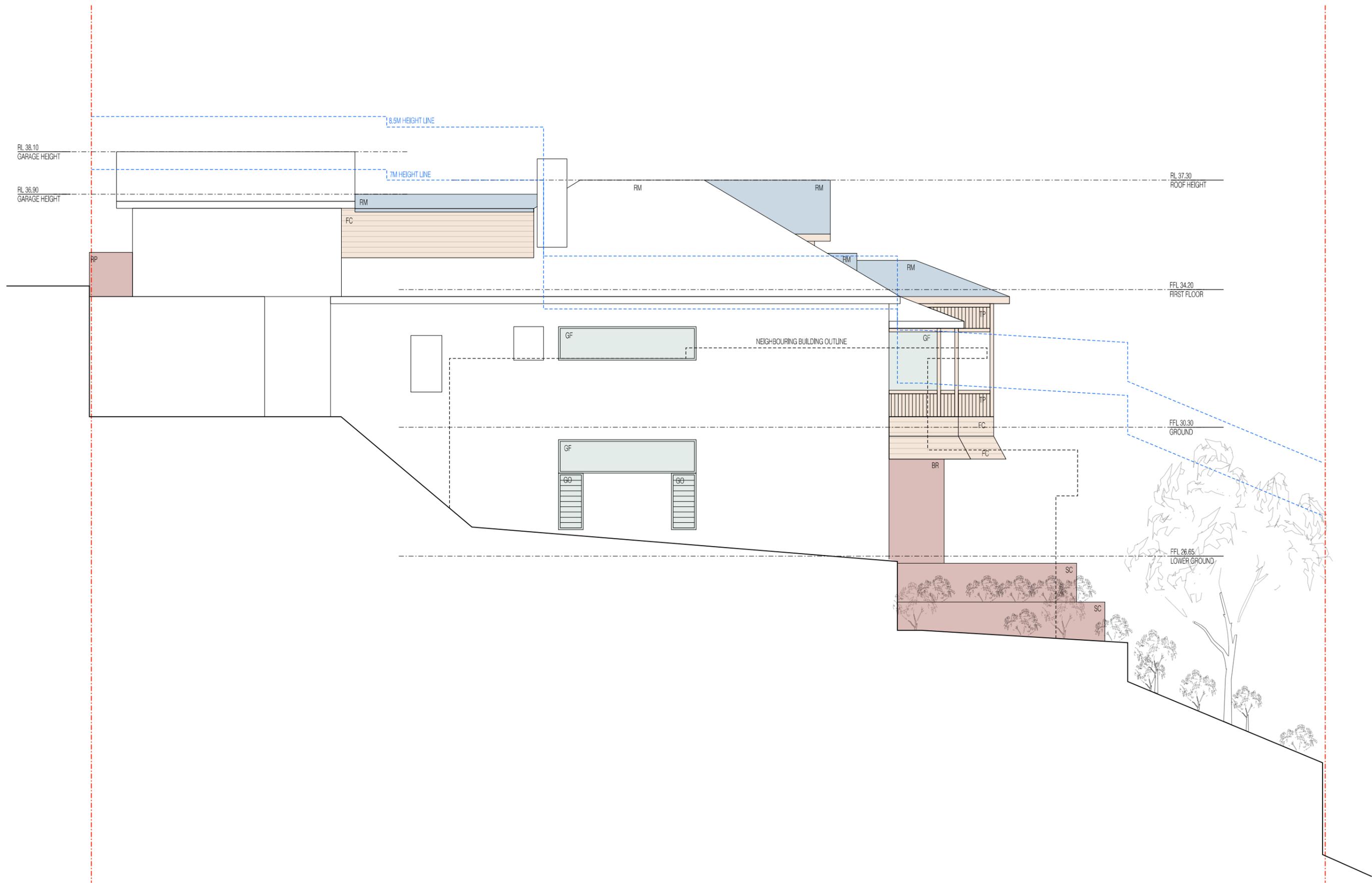
LEGEND:			
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[Blue dashed line]	GFA (GROSS FLOOR AREA)	[Dark brown box]	NEW MASONRY CONSTRUCTION
[Green dashed line]	DEEP SOIL PLANTING	[Green box]	NEW CONCRETE CONSTRUCTION
[Black dashed line]	DEMOLITION	[Blue box]	NEW METAL CONSTRUCTION
[Black solid line]	EXISTING CONSTRUCTION	[Light green box]	NEW GLAZING
[Brown box]	BR BRICK RENDERED	[Dark brown box]	FC FIBRE CEMENT CLADDING
[Dark brown box]	FC FIBRE CEMENT CLADDING	[Blue box]	GF GLASS FIXED
[Green box]	GF GLASS FIXED	[Light green box]	GO GLASS OPERABLE
[Light green box]	GO GLASS OPERABLE	[Blue box]	MD METAL DOOR
[Blue box]	MD METAL DOOR	[Dark brown box]	RM ROOF METAL
[Dark brown box]	RM ROOF METAL	[Blue box]	TP TIMBER PAINTED
[Blue box]	TP TIMBER PAINTED	[Light green box]	SC STONE CLADDING
[Light green box]	SC STONE CLADDING		

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PROJECT:
 455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
PROPOSED NORTH ELEVATION
 DRAWING NO.: DA-09
 REVISION: B
 DATE: 08.04.2019

SCALE:
 1:100 @ A3
 0m 1m 2m 5m
147



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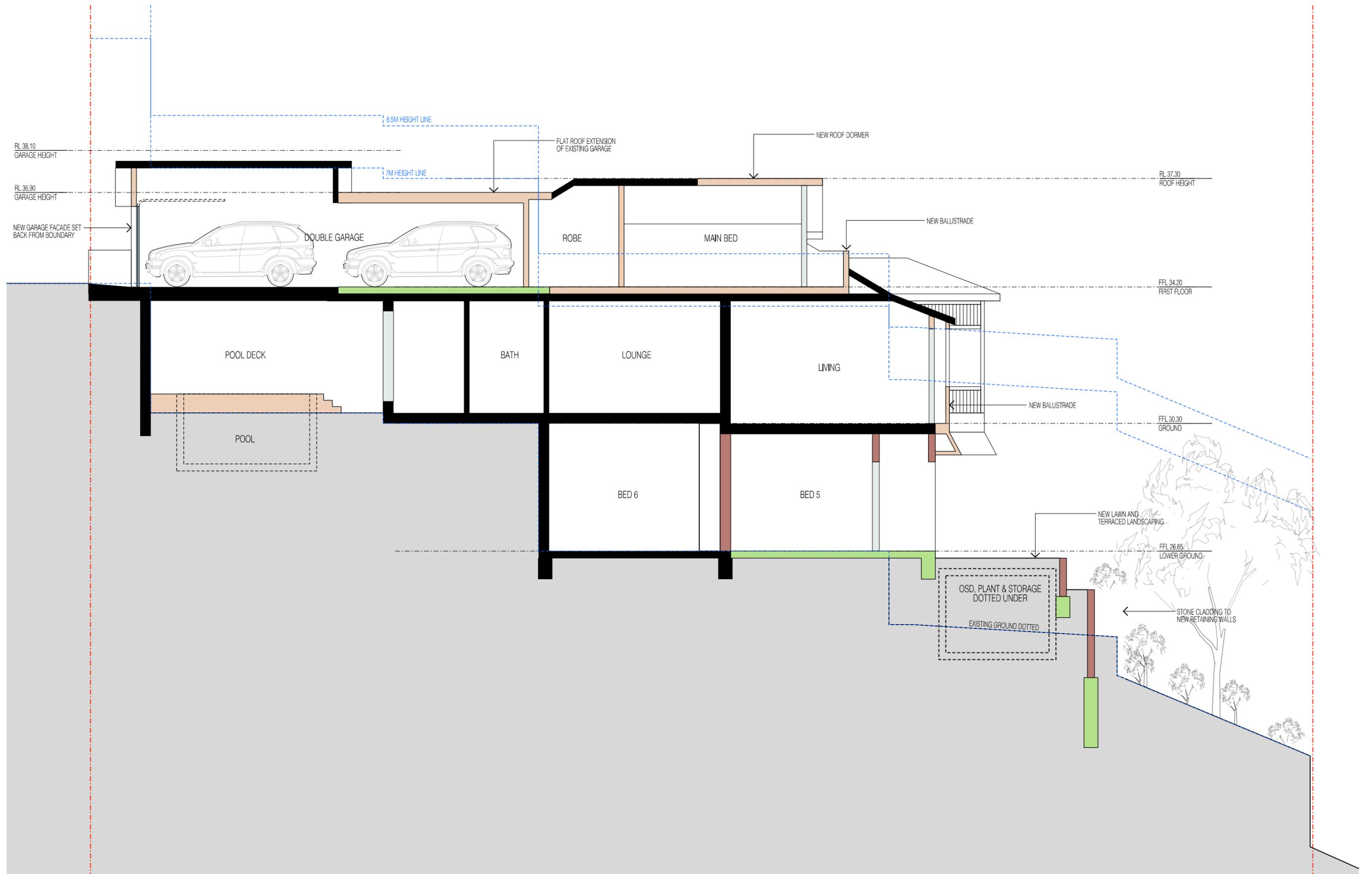
LEGEND:			
	SITE BOUNDARY		NEW FRAMED CONSTRUCTION
	GFA (GROSS FLOOR AREA)		NEW MASONRY CONSTRUCTION
	DEEP SOIL PLANTING		NEW CONCRETE CONSTRUCTION
	DEMOLITION		NEW METAL CONSTRUCTION
	EXISTING CONSTRUCTION		NEW GLAZING
	BR BRICK RENDERED		MD METAL DOOR
	FC FIBRE CEMENT CLADDING		RM ROOF METAL
	GF GLASS FIXED		SC STONE CLADDING
	GO GLASS OPERABLE		TP TIMBER PAINTED

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PROJECT:
 455a BRONTE RD, BRONTE
 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
 PROPOSED SOUTH ELEVATION
 DRAWING NO.: DA-10
 REVISION: B
 DATE: 08.04.2019

SCALE:
 1:100 @ A3



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LEGEND:			
[Red dashed line]	SITE BOUNDARY	[Brown box]	NEW FRAMED CONSTRUCTION
[Blue dashed line]	GFA (GROSS FLOOR AREA)	[Red box]	NEW MASONRY CONSTRUCTION
[Green dashed line]	DEEP SOIL PLANTING	[Green box]	NEW CONCRETE CONSTRUCTION
[Black dashed line]	DEMOLITION	[Blue box]	NEW METAL CONSTRUCTION
[Black solid line]	EXISTING CONSTRUCTION	[Light green box]	NEW GLAZING
[Brick pattern]	BR BRICK RENDERED	[Metal door symbol]	MD METAL DOOR
[Fibre cement cladding pattern]	FC FIBRE CEMENT CLADDING	[Roof metal symbol]	RM ROOF METAL
[Glass fixed symbol]	GF GLASS FIXED	[Stone cladding pattern]	SC STONE CLADDING
[Glass operable symbol]	GO GLASS OPERABLE	[Timber painted symbol]	TP TIMBER PAINTED

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PROJECT:
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 CLIENT:
 CAMERON & EMMA CLARK

DRAWING TITLE:
PROPOSED LONG SECTION
 DRAWING NO.: DA-11
 REVISION: B
 DATE: 08.04.2019

SCALE:
 1:100 @ A3
 0m 1m 2m 5m
149



Dwelling House, Dual Occupancy, Secondary Dwelling,
Semi-Detached Dwelling and Terrace Development



Report to the Waverley Local Planning Panel

Application number	DA-304/2018
Site address	13 Gaerloch Avenue TAMARAMA
Proposal	Demolition of existing dwelling and erection of a new four storey dwelling house including garage and swimming pool.
Date of lodgement	Originally lodged on 28 August 2018 Amended plans received on 7 March 2019
Owner	Mr L Li
Applicant	CSA Architects Pty Ltd
Submissions	A total of nine (9) submissions received during the original notification and re-notification periods
Cost of works	\$2,345,383
Issues	Non-compliance with height of buildings and floor space ratio development standards and view loss impact.
Recommendation	That the application be APPROVED subject to conditions of consent.

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 17 December 2018.

The site is identified as Lot 9 in DP 15588, known as 13 Gaerloch Avenue, Tamarama. The site is irregular in shape with a frontage to Gaerloch Avenue measuring 7.45m. The site has an area of 384.44m² and rises steeply towards the rear from the front street boundary with a difference of approximately 12m. There is a small levelled section at part of the rear yard of the site.

The site is occupied by a part two to part three storey masonry dwelling house with a low pitched tiled roof. There are three separate garages fronting Gaerloch Avenue, which are similar in character and design to other buildings in the street. There is no landscaping at the front of the site and the landscaping at the rear is in the form of timber deck, planting, paving and stairs.

The subject site is adjoined by a part two and part three storey mansard style dwelling house to the west and to the east is a three storey dwelling house over street level garaging. Opposite the site to the south is Gaerloch Reserve and Mackenzies Bay. The locality is characterised by a variety of residential forms, predominantly large single dwellings of two to three levels, interspersed with residential flat buildings and buildings comprising three to four levels.



Figure 1: Site viewed from Gaerloch Reserve, looking north-west



Figure 2: Northern-most part of the rear yard of site, looking south-west to adjoining properties fronting Dellview Street



Figure 1: Rear of the existing dwelling house on the subject site (mid-ground) and the adjoining dwelling house to the north-east of the site at 17 Gaerloch Avenue (background)

1.2 Relevant History

Subject site

The site benefits from recent development consent, known as DA-485/2013 for extensions and second floor addition to dwelling, conversion to a dual occupancy and strata subdivision to create two lots. This application was approved on 28 May 2014 by the former Waverley Development Assessment Panel. The proposed development that is the subject of this development application attempts to reflect the same building envelope of the approved development (i.e. DA-485/2013). Council has no record of a construction certificate being released nor evidence to suggest that this development consent has been acted upon. The lapse date of this consent is 28 May 2019.

The subject application was lodged on 28 August 2018.

The application was deferred on 14 January 2019 for additional information and design change based on matters arising from Council's preliminary assessment of the application. The deferral matters were relayed in a letter to the applicant dated 14 January 2019 and are extracted as follows:

1. Building envelope

The building envelope of the proposed development is significantly larger than that envisaged by the applicable built form development standards and planning controls. The development, in its current form, will consequently result in unreasonable visual bulk and scale impacts upon adjoining properties and the streetscape of Gaerloch Avenue and affect views enjoyed across and over the site by adjoining and adjacent properties. Any height exceedance would be deemed unreasonable in terms of the view sharing planning principle established by the NSW Land and Environment Court and would result in the proposal being unacceptable.

In order to reduce these impacts, the following recommendations are made to amend the proposal:

- a. *Wholly comply with the height of buildings development standard of 9.5m applying to the site under Waverley Local Environmental Plan 2012. Suggested ways of eliminating the non-compliances with the height of buildings development standard are as follows:*
 - i. *Lowering the floor levels of the development and excessive ceiling height of the basement garage, and/or*
 - ii. *Setting back the front of the development further from the street boundary of the site.*
- b. *Reduce gross floor area of the development by ensuring the development wholly complies with the side setback control of 1.5m, this includes deletion of the toilet on the eastern side setback area on second floor level of the development. A reduction of the extent of excavation for habitable space would also assist.*

2. Extent of excavation and lack of landscaped area

The extent of excavation is considered excessive to accommodate the basement level and the northern portion of the ground and first floor levels of the development. It prevents the development providing sufficient genuine landscaped area (i.e. deep soil) that accords with the

minimum of 15% of the site area landscaped area control under Part C1 of Waverley Development Control Plan 2012 (Amendment No. 5). Further, the amount of storage and plant area is unjustifiably large.

The extent of excavation should be reduced by the following means:

- a. The area of the basement level should be reduced by providing the necessary area to accommodate a maximum of two off-street car parking spaces and essential plant equipment, OSD tanks and storage area for a domestic building.*
- b. The development should provide landscaped area (i.e. deep soil) of at least 15% of the site area.*
- c. Reduction of the area of the void serving the courtyard on ground floor level of the development.*

3. Car parking

The area of the basement garage is such that it will likely be able to accommodate up to four vehicles. This is greater than the maximum of two off street car parking spaces specified by the Waverley Development Control Plan 2012 and is therefore not supported. Further, the garage opening width is excessive for a double garage and will consequently elongate the width of the driveway. In this regard:

- a. The area of the garage should be reduced to accommodate a maximum of two off-street car parking spaces. A tandem car parking arrangement is not supported by Council's Traffic and Development department due to its associated impact on the flow of vehicular movements along Gaerloch Avenue.*
- b. The garage opening should be narrowed to a conventional double-width.*

4. Documentation

In addition to the submission of amended plans to address the matters raised in items 1, 2 and 3 of this letter, the following additional and amended documentation should be submitted:

- a. A thorough analysis of the impact of the proposal on views enjoyed from adjoining properties and from the public domain around the 'bend' of Dellview Street (before it intersects with Carlisle Street) to the north-east of the site should be prepared. Photos were taken from 26-28 and 32 Dellview Street in Tamarama by Council's Assessment Planner and can be made available on request. Please acknowledge that a view loss claim was made from 24 Dellview Street, however, this property is yet to be inspected by Council's Assessment Planner.*

The view loss analysis can be presented as a photomontage, which superimposes the envelope of the proposed development on various photos taken from habitable rooms and private outdoor areas of adjoining properties. The analysis must be overseen by a qualified surveyor to ensure it accurately depicts the building envelope and Reduced Levels of the proposed development on the photomontage. The analysis must be accompanied by a report outlining the methodology applied to preparing the photomontage having regard to

the procedures outlined by the NSW Land and Environment Court in terms of view loss analyses.

- b. A revised written request to vary the floor space ratio development standard that adequately addresses the matters for consideration under clause 4.6 of Waverley Local Environmental Plan 2012 and the guidelines on preparing written requests established by the NSW Department of Planning and Infrastructure is required, including recent judgements arising from the NSW Land and Environment Court on matters relating to clause 4.6.*
- c. The floor level of the existing garage is deemed the lowest known existing ground level of the site for measuring the overall building height of the front (southern) portion of the proposed development. Therefore, clear indication of the existing ground level shall be shown on relevant elevation and section drawings, including the depiction of the full depth of the existing basement level of the existing development in order to establish the overall building height of the front (southern) portion of the development. If there the development were to vary the height of buildings development standard, the clause 4.6 written request should refer to the overall measurement of the building height of the development relative to the existing ground level.*
- d. Clear indication on elevation drawings of the operations of window openings, including the direction of openings, and the transparency of glass panes (i.e. translucent or opaque).*
- e. Clear indication of height, materials and profile of any proposed side and rear fencing. This can be shown on separate elevation drawings. Reduced Levels of the top of the fences should be included on these elevation drawings.*
- f. The pool fencing around the swimming pool area should be shown on the cross-sections to ensure it complies with the safety provisions of the Swimming Pools Act 1992.*
- g. Amended shadow diagrams to reflect the changes to the building envelope of the development as recommended by this deferral letter.*
- h. An amended landscaped plan to ensure that it complies with the requirement that 50% of all plantings are to be native and selected from the planting list in Annexure B2-1 in Part B of Waverley Development Control Plan 2012 given that the site is identified within a habitat corridor.*
- i. An amended BASIX Certificate to reflect changes to the development recommended by the deferral.*
- j. An amended stormwater plan (if necessary) to reflect changes to the development recommended by the deferral.*

Council received amended plans on 7 March 2019 in response to the deferral matters. The amended plans generally addresses and satisfies the deferral matters. The amended plans were publicly notified. Refer to section 2.4 of this report on discussion of the public submissions received in relation to the application, including the amended plans.

The amended plans form the basis of the assessment of this application.

During the course of the assessment of the amended plans and following receipt of submissions to the plans, further view analyses were conducted from surrounding properties whose owners/occupiers claimed view loss as a result of the proposed development.

Neighbouring sites

This application makes comparisons to recent development approvals in the immediate vicinity of the site. The most notable is the approved dwelling house at 15 Gaerloch Avenue, which adjoins to the site to the south-west. This was an approval granted by the NSW Land and Environment Court (Council DA Reference No. DA-20/2015) that is four storeys (including a semi-basement garage level) with an approximate overall building height of 9m and an overall floor space ratio of 1.25:1 (the development is visualised in the applicant's photomontage submitted with this application, which is shown in **Figure 4** in this report).

1.3 Proposal

The application, as amended on 7 March 2019, seeks development consent for the following works:

- demolition of all existing structures
- earthworks, including excavation and fill
- construction of a four storey dwelling house, comprising:
 - a garage, including two off-street car parking spaces and bicycle storage, laundry and plant and building services on ground/street level
 - four bedrooms, two ensuite bathrooms, a separate bathroom, TV room, rear courtyard and front terrace above garage on ground floor level
 - one bedroom and ensuite bathroom, study and front balcony on first floor level
 - open-plan kitchen, dining and living room, front terrace and external (attached) toilet on second floor level.
- construction of in-ground swimming pool
- provision of photovoltaic panels on roof of new dwelling house
- construction of side and rear boundary fences.

The main changes from the plans originally submitted and reflected in the amended plans are a reduction of the overall building height of the dwelling house from RL 29.010 to RL 28.410 (representing a net reduction of 600mm) and lowering of finished floor levels of the development. The amended plans were accompanied by a view impact analyses and these documents were publicly notified for 14 days. Refer to section 2.4 of this report on summary and discussion on issues raised in submissions received that object to this application.

The proposed development, as amended, is visualised in a photomontage shown in **Figure 4** below.



Figure 4: Photomontage of the proposed development, as viewed from Gaerloch Ave, looking north-west (Source: CSA Architects). Note: 15 Gaerloch Ave redevelopment has been approved, though construction has not yet commenced.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

The applicant has confirmed that the BASIX Certificate originally submitted with the application remains valid for the amended form of the development.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP (Coastal Management) 2018

This SEPP applies to the subject site as it is wholly located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP.

Clause 13 states that development within the coastal environment area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The site does not immediately adjoin or front the coastline and is outside of land identified as being a 'coastal risk' as per Council's mapping system and Part B4 of Waverley Development Control Plan 2012. Therefore, the proposed development is not expected to adversely impact upon the matters raised above. Appropriate conditions of consent are included to minimise disturbance and impact upon the coastal environment area.

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
f that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (ii) (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposed development is appropriate to the area in regards to bulk, height and design and it provides a cohesive relationship with surrounding properties and will be in keeping with the character of the existing buildings on Gaerloch Avenue. It is considered that the proposal will not impact detrimentally upon the amenity of the coastal foreshore with public views to the foreshore being unaffected and the majority of overshadowing being confined to the street. Further, the proposal is not expected to detrimentally affect Aboriginal and built environment heritage aspects of the immediate coastline.

2.1.4 SEPP (Vegetation in Non-Rural Areas) 2017

The site is within a known habitat corridor that is identified in Waverley Development Control Plan 2012. Council’s Tree Management Officer has examined existing vegetation on the site and advises that the vegetation does not possess any outstanding attributes worthy of retention. The amended form of the development incorporates greater deep soil and landscaped area than the original form of the development and the amended landscape plan incorporates native and indigenous plant species to complement the habitat corridor. The proportion of native plants is greater than 50% the overall quantum of proposed plants as part of the landscape plan.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a ‘dwelling house’, which is permitted with consent in the R3 zone. It satisfies the objectives of the zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposed development has an overall building height of 10.5m, which is defined by the top of the balustrades of the uppermost front terrace (1m above finished second floor level, equalling RL 25.990) directly above existing ground level, which is determined by the finished floor level of the existing basement garage of RL 15.490. It varies the height of buildings development standard by 1m or 10.5%. The roof level of the development and the partially elevated photovoltaic panels affixed to the roof all comply with the height of buildings development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	No	The proposed development comprises a total of 349.14m ² of gross floor area, which achieves a floor space ratio (FSR) of 0.91:1.

Provision	Compliance	Comment
<ul style="list-style-type: none"> • 0.678:1 • Max GFA: 262.25m² 		The development varies the FSR development standard by 86.89m ² or 33%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils, however it is not within 500m of other classes of acid sulfate soils and the proposal will not excavate 1m below the AHD.
6.2 Earthworks	Yes	The proposal involves excavating more than 3m below existing ground level to accommodate the basement level and the northern portions of the ground and first floor levels of the development. Conditions of consent are recommended to require the submission of a geotechnical report to the satisfaction of the Principal Certifying Authority that recommends appropriate measures to be taken during excavation works. Standard conditions of consent are recommended to require structural engineering details to be submitted as part of the construction certificate application and for dilapidation reports to be prepared prior to site works commencing.

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

Exceptions to Development Standards

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*

- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

The site is within the R3 Medium Density Residential Zone and the objectives of this zone in Waverley LEP 2012 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.*

Clause 4.3 Height of buildings

The proposed development has an overall building height of 10.5m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1m or 10.5%. The exceedance is only confined to the balustrading around the uppermost front terrace of the development as the majority of the development, including the partially elevated photovoltaic panels, comply with the height of buildings development standard.

The relevant objectives of the height of buildings development standard expressed under clause 4.3(1) of Waverley LEP 2012 are as follows:

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

Note: objectives expressed under clauses 4.3(1)(b) and (c) relate to development within the Bondi Junction Centre and are irrelevant to the assessment of this application.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- Strict compliance with the development standard is considered unreasonable and unnecessary as the extent of non-compliance is minor and confined to the clear glass balustrade at the front of the uppermost front terrace and therefore:
 - will not have any contribution to the bulk and scale of the development (given it is not counted as gross floor area)
 - the proposed development will be consistent with the streetscape character comprised of a mix of large dwelling with three residential storeys above street level garages
 - will not result in significant impacts on neighbouring properties in terms of views, overshadowing and visual and acoustic privacy.
- The non-compliance will not render the proposed development being consistent with the objectives of the development standard and the R3 Medium Density Residential zone given:

- the glass balustrade of the uppermost front terrace will not impact on views enjoyed by neighbouring properties
 - the proposed development has a reduced built form envelope compared to that of the dual occupancy approved under DA-485/2013 for the subject site, resulting in improved view sharing with neighbouring properties
 - the proposed development is compatible with the existing streetscape character
 - the area of non-compliance of the development with the development standard will not reduce the consistency of the development with the zone objectives.
- There are sufficient environmental planning grounds to vary the development standard as:
 - the non-compliance confined to the glass balustrade around the uppermost front terrace facilitates the safe use of part of the private open space area of the development and allows for access to ocean views to the south
 - the profile and materiality of the balustrade will not generate additional bulk or scale impacts and not affect the amenity of neighbouring properties
 - the non-compliance will have little to no visual impact in the streetscape.
- The non-compliance does not raise any matters of public interest does not manifest in public views or detrimental streetscape outcomes. The development is deemed consistent with the desired future character of the area as nominated by the LEP and DCP and there are no adverse or unreasonable impacts to the broader community.
- The height non-compliance allows for the orderly and economic use of land as envisaged by the Act. It allows for achievement of a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area. It is consistent with State and Regional policies.
- There is no public benefit of maintaining the development standard given the limited amenity impacts associated with the non-compliance and the positive streetscape outcomes that would arise from the redevelopment of the site.

The arguments presented in the applicant's written request to justify the non-compliance with the height of buildings development standard are generally well-founded and satisfy the relevant provisions of clause 4.6 of Waverley LEP 2012. The non-compliance exists due to the position of the balustrading around the uppermost front terrace relative to the existing ground level of the front (southern) portion of the site correlating with the current excavated nature of the site for the existing garage. The roof level of the development as a whole sits under the plane of the height of buildings development standard and the amended plans in response to the deferral of this application clearly demonstrate this. In this regard, the building height and its contribution to the perceived building bulk, scale and overall envelope of the development are considered reasonable and contextually appropriate, especially within the visual catchment of the site that is dominated by buildings comprised of three habitable storeys above street level garages. The applicant's written request has soundly assessed the specific matters arising from the small area of where the development varies the development standard. The balustrade has little consequence on the perceived building height of the development from the public domain and adjoining properties. The view analysis of the development finds that the balustrade will not adversely affect views enjoyed from adjoining and adjacent properties.

The applicant has adequately demonstrated that compliance with the height of buildings development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the height

of buildings development standard and the R3 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the height of buildings development standard to achieve the desired future character of the locality. The non-compliance is therefore supported in this instance.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.91:1, which exceeds the floor space ratio development standard of 0.678:1 prescribed under clause 4.4A of Waverley LEP 2012 by 86.89m² in gross floor area or 33%.

The relevant objectives of the FSR development expressed under clause 4.4(1) of Waverley LEP 2012 are:

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

Note: objective expressed under clause 4.4(1)(a) relates to development within the Bondi Junction Centre and is irrelevant to the assessment of this application.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- Strict compliance with the development standard is considered unreasonable and unnecessary for the following reasons:
 - Existing and recently approved development within the immediate vicinity of the site exceeds the applicable FSR development standards and have the same or similar height than that of the proposed development.
 - While the overall FSR of the proposed development is greater than that of the previously approved DA on the site for a dual occupancy development (i.e. DA-485/2013), the proposed development has the same or reduced built form envelope than the previously approved development resulting in lesser amenity impacts on neighbouring properties and same or lesser visual bulk and scale.
 - The additional GFA sought by the proposed development (compared to the previously approved development) is predominantly located underground at garage and ground floor levels. This is acceptable given the additional GFA would not be visible from the public domain and adjoining properties. Removing GFA within these areas of the development to achieve compliance with the FSR development standard would have no tangible improvement of the amenity of adjoining properties and no consequence on the visual appearance of the development. Full compliance would reduce amenity for future occupants of the proposed development.
 - The proposed development is consistent with the perceived building height, bulk and scale and overall design and aesthetics of existing development along Gaerloch Avenue.

- The development provides for sufficient open space.
- The development is consistent with the objectives of the development standard and the R3 zone in that it:
 - for the most part complies with the height of buildings development standard
 - is compatible with the existing streetscape character comprising a mix of large dwellings with three residential storeys above and behind street-level garages
 - has the same or reduced built form envelope compared to that of the previously approved dual occupancy development on the site, resulting in no greater amenity impacts on neighbouring properties and visual bulk and scale impacts.
 - the area of non-compliance of the development with the development standard will not reduce the consistency of the development with the zone objectives.
- There are sufficient environmental planning grounds to vary the development standard as:
 - the extent of GFA exceeding the development standard is predominantly located underground across the garage and ground floor levels of the development and therefore will not have any significant environmental impacts
 - the non-compliance provides greater internal amenity to future residents through additional floor space at lower floor levels of the development without compromising amenity of neighbouring properties further than what the previously approved development on the site would.
- The non-compliance does not raise any matters of public interest does not manifest in public views or detrimental streetscape outcomes. The development is deemed consistent with the desired future character of the area as nominated by the LEP and DCP and there are no adverse or unreasonable impacts to the broader community.
- The FSR non-compliance allows for the orderly and economic use of land as envisaged by the Act. It allows for achievement of a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area. It is consistent with State and Regional policies.
- There is no public benefit of maintaining the development standard given the limited amenity impacts associated with the non-compliance and the positive streetscape outcomes that would arise from the redevelopment of the site.

The arguments presented in the applicant's written request to justify the non-compliance with the FSR development standard are generally well-founded and satisfy the relevant provisions of clause 4.6 of Waverley LEP 2012. The principal argument that part of the overall GFA of the development that exceeds the FSR development standard is concealed underground (or below existing ground level) is sound. While the development relies on a large volume of excavation, the proposed excavation is set back more than 900mm from site boundaries and can be properly managed by way of necessary safe guards, such as requiring geotechnical and dilapidation reports to be prepared and submitted to the Principal Certifying Authority prior to the release of a construction certificate. Conditions of consent are recommended to this effect. The intent of the excavation is to maximise exposure of the lower floor levels of the development (that for the most part contribute to the exceedance of the FSR development standard) to direct sunlight by way of use of voids, atriums and light wells. This is considered an acceptable outcome.

The development for the most part complies with the height of buildings development standard and side, rear and front building setback controls. It also provides for open space area that exceeds the

minimum quantum specified by the DCP, as identified in the written request. The written request correctly analyses the predominant existing built form character of the immediate vicinity of the site, that being existing and approved dwelling houses that comprise street level double garages with three floor levels above (i.e. perceived four storey built form from the street). The proposed development reflects this built form character and therefore its streetscape and visual impact are considered reasonable. Overall, the non-compliance with the FSR development standard does not demonstrate that the building envelope of the proposed development is inappropriate. Strict compliance with the FSR development standard would therefore be considered unreasonable and unnecessary in this instance.

Comparisons of the building envelopes drawn between the previously approved development (i.e. 485/2013) and the proposed development in the written request are somewhat useful to consider the environmental amenity impacts on neighbouring properties. The subject application was deferred in part to encourage the overall building height and floor space ratio of the proposed development to be reduced in order to lessen amenity impacts upon neighbouring properties, specifically view loss impact. The roof level amended form of the proposed development is approximately 600mm lower than the approved development. Further, the front setbacks of the proposed development are slightly more than the approved development and the dividing privacy wall between the front balconies of the approved dual occupancy development are not replicated in the proposed development. While the assessment of this application is afresh and does not solely rely on the outcome of the previously approved development, the reduced areas of the building envelope of the proposed development compared to the approved development represent a notable improvement on associated amenity impacts upon neighbouring properties. The view analysis conducted for this application finds that the view loss impact of the proposed development is reasonable (the analysis is outlined in section 2.1.6 of this report).

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the FSR development standard and the R3 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the FSR development standard to achieve the desired future character of the locality. The non-compliance is therefore supported in this instance.

2.1.6 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> • A Site Waste and Recycling Management Plan has been submitted. • Bins will be stored in the basement of the development and out of sight of the street.

Development Control	Compliance	Comment
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> • A BASIX Certificate has been submitted. • The proposed development satisfactorily addresses passive design in terms of energy and water efficiency and thermal comfort. • The development incorporates photovoltaics on its roof, which is consistent with the active energy initiatives envisaged in this part of the DCP.
3. Biodiversity	Yes (by condition)	The site is within a recognised habitat corridor and the amended landscape plan submitted in response to the deferral of this application satisfies the requirement of at least 50% of proposed plants being native species listed in Annexure B2-1 of Part B of the DCP.
5. Tree preservation	Yes	Council's Tree Management Officer noted that on site there were no trees of any significance, the trees possess no outstanding attributes worthy of retention and their removal is supported. The landscape plan includes a range of appropriate vegetation that will compensate for the loss of existing vegetation.
6. Stormwater	Yes	Council's Manager, Design in the Creating Waverley department did not object to the stormwater system of the development, subject to conditions.
8. Transport	Yes	Off-street car parking in the form of a podium and located at the front of sites is a strong characteristic of Gaerloch Avenue. The garage is predominately accommodated within the proposed development and is designed to be visually compatible with the appearance of the development.
10. Safety	Yes	Satisfactory.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> • Maximum overall building height of 7.5m 	No (acceptable on merit)	While the overall building height of the proposed development is defined by the top of the balustrades around the uppermost front terrace of the development, the overall roof level of the development and the partially elevated photovoltaics is below the plane set by the height of buildings development standard of 9.5m. The proposal is considered consistent with the relevant objectives outlined in section 1.1 of Part C1 of Waverley DCP 2012 in that the

Development Control	Compliance	Comment
		development provides an appropriate building height and scale that responds to the topography and street character within the immediate vicinity of the site and does not manifest in adverse view, visual and overshadowing impacts upon adjacent properties.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	N/A	The proposal utilises a flat roof form and therefore this control is not applicable.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<ul style="list-style-type: none"> Front building setbacks consistent with predominant front building line. Rear setbacks consistent with predominant pattern of rear building setbacks. It will not extend further than the rear setback of the adjoining dwelling to the north-east at 9 Gaerloch Avenue.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m 	Partial compliance	<p>The proposed development is set back 1.5m from the side boundaries of the site with the exception of the external (attached) toilet or WC within the eastern setback area on second floor level. The external (attached) toilet has a nil eastern side setback and its roof level is at about RL26.710. As demonstrated on the eastern elevation drawing, the toilet will be fully concealed behind the existing solid boundary wall shared with the adjoining property and the proposed solid eastern boundary wall that will be on the site. The top of the solid component of this existing boundary wall is at RL 27.100 as identified on the site survey and the roof of the toilet will be below the existing boundary and flush with the top of the proposed boundary fence. Therefore, the nil side setback of the toilet is inconsequential and is supported.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries Ground levels should not be raised 	Yes	<ul style="list-style-type: none"> The proposed excavation is set back by a minimum of 1.5m from the side boundaries of the site. A geotechnical investigation and assessment report is recommended to be prepared and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate. Some fill is proposed to be used in the rear yard to extend the existing raised lawn area eastward, and therefore raises the existing ground level of part of the site. This

Development Control	Compliance	Comment
		extension is deemed minor and not unreasonable. An appropriate condition of consent is recommended to control the use of fill.
1.4 Streetscape and visual impact		
	Yes	<ul style="list-style-type: none"> The proposed development utilises contemporary architecture, which is consistent with the existing, emerging and desired future character of the locality. The proposed development will be visible from Gaerloch Reserve across the road and other public places around the MacKenzies Bay vicinity. The perceived building bulk and scale and overall aesthetics of the development are not expected to be overly dominating when viewed from these public places.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>No (acceptable on merit)</p> <p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> The proposed front fence that forms part of the pedestrian street entrance of the site, is assessed against the front fence controls. The street frontages of the majority of sites fronting Gaerloch Avenue comprise double and/or triple wide garages. The proposed front fence is inset from the front building line of the double garage and will provide some relief and delineation from the garage, however its height matches that of the garage (i.e. approximately 2.8m). This is considered too high and contributes to a continuously high street wall across the full extent of the front boundary of the site. In this regard, a condition of consent is recommended to limit the height of the front fence to 2m, which is expected to match the height of the existing western boundary fence. The materiality of the street wall is reflective of the prevailing painted rendered finish of street walls within Gaerloch Avenue. The new solid eastern and western side boundary fences generally have a height of 1.8m above existing ground level and will for the most part be below the top of existing side boundary fences as shown on the respective elevation drawings. Part of the proposed western side fence will extend above the existing western side fence and be higher than 1.8m above existing ground

Development Control	Compliance	Comment
		level. This is due to the presence of the swimming pool requiring boundary fences to be no less than 1.8m above coping level (to comply with relevant swimming pool safety requirements) and remodelling of existing ground floor levels.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. • External stairs are not acceptable. • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<ul style="list-style-type: none"> • Windows across the eastern and western elevations are comprised of operable glass horizontal louvres. These windows are either narrow or highlight. The majority of windows that serve living room are highlight. The ones that are full height (i.e. floor to ceiling) are not directly facing adjacent window openings of adjoining dwelling houses and/or are obscured by side boundary fencing. All other window openings serve passive rooms (such as bedrooms/study) and non-habitable rooms (such as bathrooms). These windows are not expected to result in unreasonable privacy impacts. • External stairs are included within the side passageways and the finished levels of the stairs will not be higher than the top line of the proposed boundary fences. • The area and depth of the balconies are as follows: <ul style="list-style-type: none"> ○ the front ground terrace has an area of 31.8m² and has a depth of 3.4m. ○ the front first floor balcony has an area of 14.2m² and a depth of 1.9m ○ the front first floor balcony has an area of 26.8m² and a depth of 3.265m. • The non-compliance with the maximum size controls for the balconies/terraces does not manifest in adverse visual and acoustic privacy impacts given that the balconies/terraces primarily face the street and will encourage and orientate sightlines to the street and towards water and coastal views. It is a generally accepted outcome that full privacy cannot be expected for street facing balconies/terraces, particularly where views are available. Therefore, privacy screens for the uppermost front balcony are not deemed appropriate in this instance.

Development Control	Compliance	Comment
1.9 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> • Living rooms of the proposed development and principal private open space areas of the site are expected to receive more than three hours of sunlight on 21 June. • The shadow diagrams make a comparison between shadowing caused by the existing development and the proposed development between 9am and 3pm on 21 June and demonstrate that the additional overshadowing caused by the proposed development generally falls onto the road reserve of Gaerloch Avenue. There are minimal window openings across the western elevation of the adjoining dwelling house to the east at 11 Gaerloch Avenue that would be discernibly affected by the additional overshadowing. The shadow diagrams depict the building footprint of the approved development at 15 Gaerloch Avenue to assess the overshadowing impact. Both the proposed development on the subject site and the adjoining approved development have side setbacks of 1.5m (consistent with the DCP side setback controls). In this regard the additional overshadowing caused by the proposed development is deemed reasonable.
1.10 Views		
	See discussion	See discussion below this table in relation to view impact.
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms 	Yes	Two off-street car parking spaces are identified on the plans.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	No (acceptable on merit)	The garage of the proposed development is forward of the front building line. This is acceptable given that properties on Gaerloch Avenue comprise double garages directly on the street frontages and at street level of these properties.
1.11.3 Design	Yes	The garage is in the form of a podium, which is common for existing garages in Gaerloch Avenue. The garage is visually compatible with the aesthetics of the proposed development and

Development Control	Compliance	Comment
		the predominant pattern of painted rendered finishes within the Gaerloch Avenue streetscape.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Sufficient internal dimensions are provided in the garage to accommodate the two car parking spaces.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The existing double-width driveway will be utilised and slightly widened. The widening is considered acceptable given that on-street parking is not available on the northern side of Gaerloch Avenue, and therefore, there is no impact on the supply of on-street parking.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area (58.27m²) 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 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p> <p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> Overall open space: 256m² (67% of site area) Overall landscaped area: 60.62m² (15.8% of site area) The development provides at least 25m² of private open space. Front open space provided is less than 50% of front building setback area. Front landscaped area provided is less than 50% of front open space provided. <p>Given the predominant character of street-level double or triple wide garages occupying the majority of frontages of sites on Gaerloch Avenue, the lack of front open space and landscaped areas on the subject site is deemed acceptable. Further, the proposed development complies with the overall open space and landscaped area minimum controls.</p>
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The swimming pool is located in the rear yard of the site. Adequate screening, by way of planting and boundary fencing, is provided between the pool and adjoining properties in order to protect the visual and acoustic privacy of these properties.

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

Views

The submissions objecting to this application, specifically claiming view loss impact, were received from the following properties:

- 15 Dellview Street
- 24 Dellview Street

- 1 and 3/26-28 Dellview Street(same owner)
- 1/32 Dellview Street
- 2/32 Dellview Street
- 3/32 Dellview Street
- 4/32 Dellview Street
- 6/32 Dellview Street
- 8/32 Dellview Street.

An assessment of the view loss caused by the proposed development has been undertaken in accordance with the four steps applied in the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*.

1. *Identify the views to be affected.*

The majority of properties that have claimed view loss were inspected by Council’s Assessment Planner. Council’s Assessment Planner contacted the owner/occupiers of the following properties to request an inspection and the owners/occupiers of these properties were either unavailable or did not respond to the request:

- 24 Dellview Street (photos have been provided in their written submission, however the location of where the photos were taken is unknown)
- 6/32 Dellview Street
- 8/32 Dellview Street.

Table 4 below includes photos taken by Council’s Assessment Planner from each of the other properties that were inspected for the view loss analyses. A description of the position the photos are taken and from which aspect of the affected properties, the composition and extent of the views is outlined in the table.

Table 4: Photos of views claimed to be affected by the proposed development

Unit 3/26-28 Dellview Street	
	<ul style="list-style-type: none"> • Standing on balcony accessed from upstairs living room. • Land/water interface (rock platforms) and water views. • Across side boundary of 26-28 Dellview Street and over side and rear boundaries of subject site.



- Standing inside living room.
- Land/water interface (rock platforms) and water views.
- Across side boundary of 26-28 Dellview Street and over side and rear boundaries of subject site.

Unit 1 /26-28 Dellview Street



- Standing on balcony accessed from living room.
- Water views.
- Across side boundaries of subject site and adjoining site.

Unit 1/32 Dellview Street



- Standing in dining room.
- Partial water views.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.



- Sitting in dining room.
- Partial water views.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.



- Standing in lounge room.
- Partial water views.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.

Unit 2/32 Dellview Street



- Standing in living room.
- Water views.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.



- Sitting in living room.
- Water views.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.

Unit 3/32 Dellview Street



- Standing inside study.
- Water views and partial land/water interface.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.



- Standing inside bedroom.
- Water views and partial land/water interface.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.

Unit 4/32 Dellview Street



- Standing inside dining room.
- Water views and partial land/water interface.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.



- Sitting inside dining room.
- Water views.
- Across rear boundary of 32 Dellview Street, eastern side boundary of adjoining site at 15 Gaerloch Avenue and western side boundary of subject site.

15 Dellview Street



- Sitting inside upper floor level study.
- Water views.
- This property is approximately 50m north-west of the subject property. Views are available across the front and southern side boundaries of this property and across the rear boundary of the subject site.

The photos presented in **Table 4** above show views enjoyed by the affected properties over the subject site that will be affected by the proposed development. All of the affected properties inspected have water views with some properties also enjoying views of land/water interface (i.e. cliff faces, rock platforms and other elements of the coastline).

2. Consider from what part of the property the views are obtained.

As shown in **Table 4**, views are available at both standing and sitting positions on outdoor spaces and through window openings serving living rooms, active areas and bedrooms of the affected properties.

The majority of view loss claims, specifically those units at 32 Dellview Street, relate to views that are available across the side boundary of the subject site. The view sharing planning principle states: "...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries". Despite this established approach applied in the planning principle, views of units at 32 Dellview Street are only available across the side boundary of the subject site and over the rear boundary of 32 Dellview Street. Further, the pattern and orientation of properties within the street block pattern that comprises both 32 Dellview Street and the subject site are irregular. In this regard, the views enjoyed by affected units of 32 Dellview Street should not be excluded from the view loss analysis.

Those properties that enjoy views from both their bedrooms and living rooms, views from the bedrooms are excluded from the view loss analysis, which is consistent with the view sharing planning principle.

3. Assess the extent of the impact.

The applicant has undertaken their own view analyses and has submitted the analyses as photomontages, which examines the extent of view loss impact upon the affected properties. The analysis anticipates the typical view impact of the development upon the affected properties. These photomontages are extracted in **Figures 5 to 10** and demonstrate the extent of the view loss impact caused by the proposed development in terms of 'negligible', 'minor', 'moderate', 'severe' and 'devastating' that are consistent with the view sharing planning principle.

In terms of the adequacy of the photomontages prepared by the applicant, the applicant has adequately detailed the methodology of preparing the photomontages. While the photomontages were not certified by a registered surveyor, the applicant has identified the steps taken to prepare the photomontages, including utilising Reduced Levels of certain reference points of the existing and proposed development to extrapolate the envelope of the proposed development by a massing overlaid upon photos taken by Council's Assessment Planner of the photos of the view composition over the site. The methodology appears sound and Council's Assessment Planner has cross checked the photomontages against the survey information to determine the reliability of modelling/predicting the view loss impact. The photomontages can be relied upon for the view loss impact assessment.



Figure 5A: Standing on balcony accessed from living room of Unit 3/26-28 Dellview Street

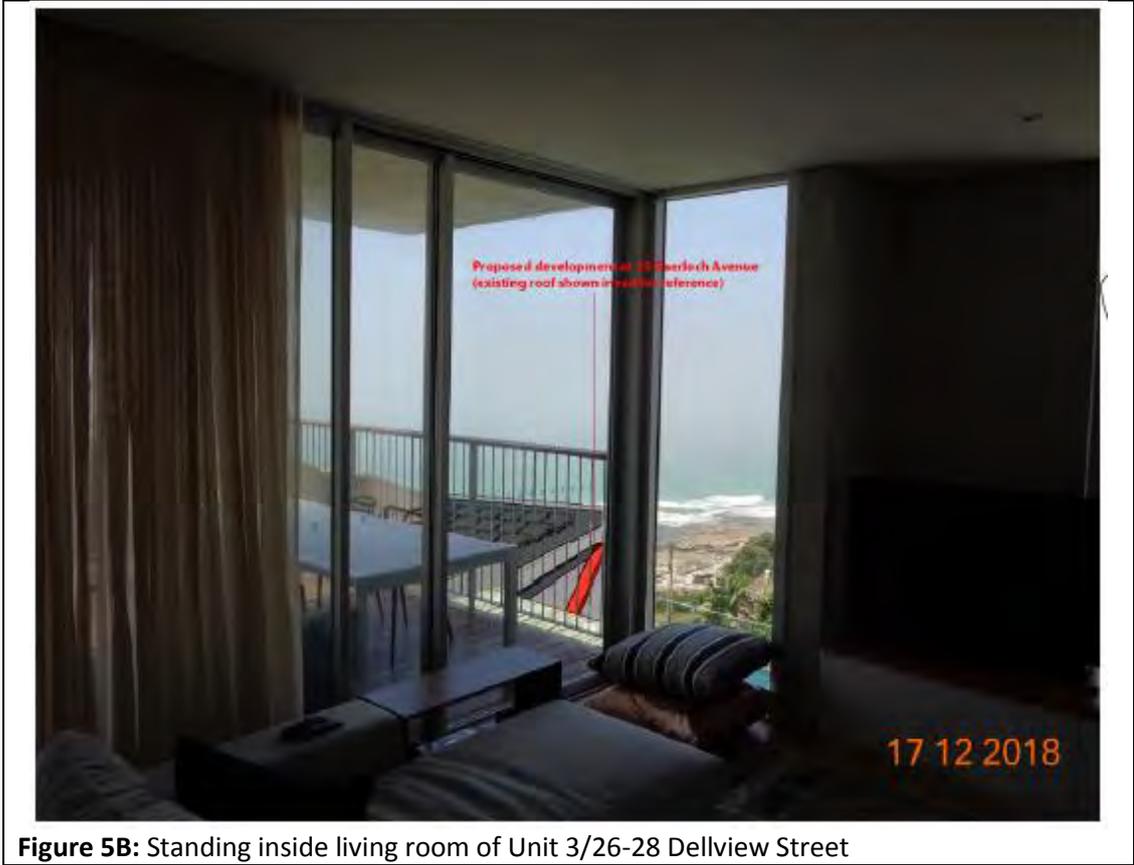


Figure 5B: Standing inside living room of Unit 3/26-28 Dellview Street

The view loss impact upon Unit 3, 26-28 Dellview Street, shown in **Figures 5A and B** above, is characterised as 'minor' given that the majority of the view of the water and rock platforms of Mackenzies Bay will remain unaffected.



Figure 6A: Standing in dining room of Unit 1/32 Dellview Street



Figure 6B: Sitting in dining room of Unit 1/32 Dellview Street

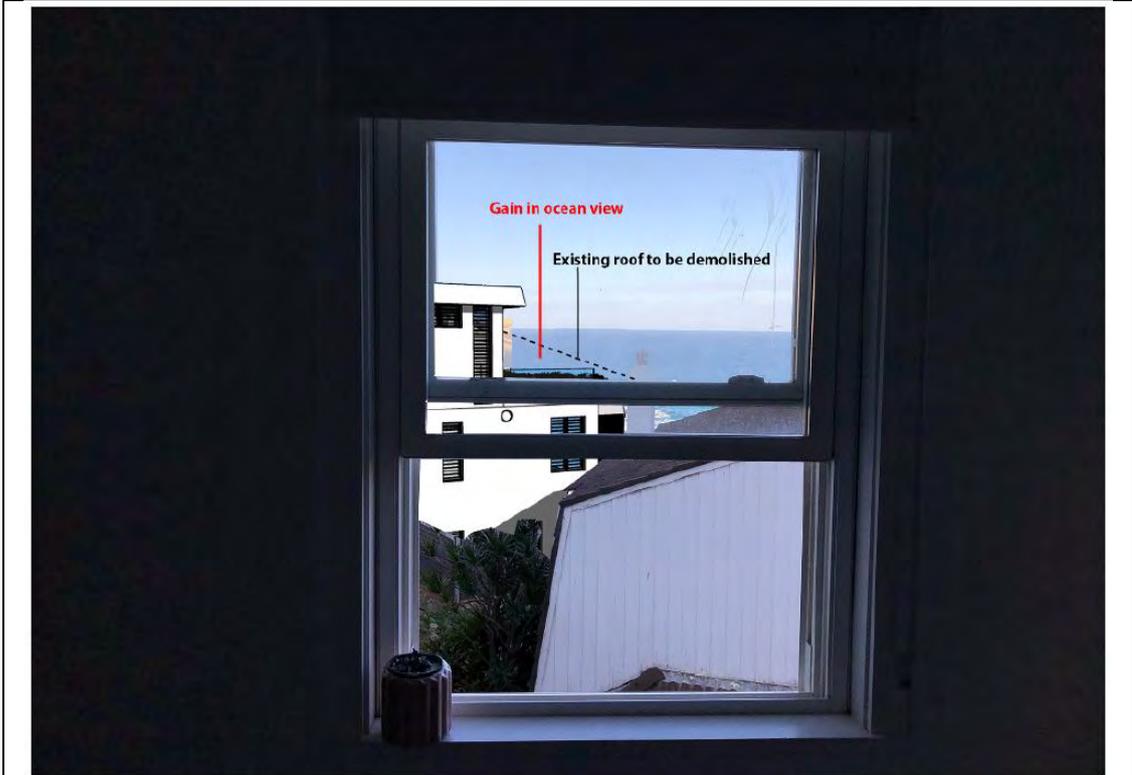


Figure 6C: Standing in lounge room of Unit 1/32 Dellview Street

The view loss impact upon Unit 1/32 Dellview Street, shown in **Figures 6A to C** above, is characterised as 'minor' as the majority of water views in the overall view composition will be retained. In fact, the proposal will make some gains in water views for this property. The development will also retain glimpses of sandstone outcrops and the coastline.

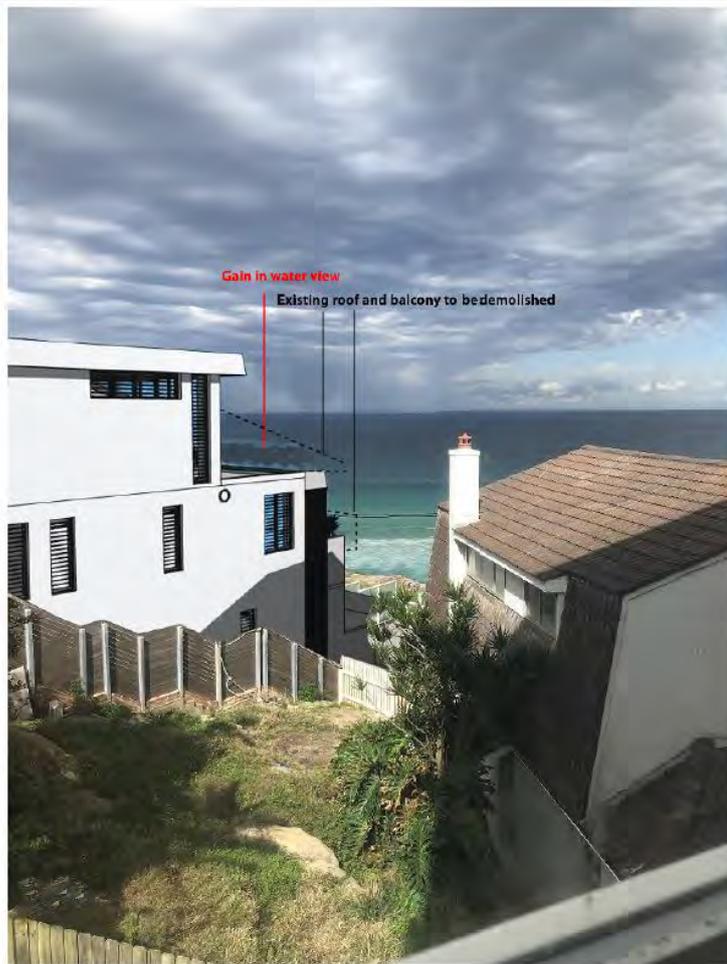


Figure 7A: Standing in living room of Unit2/32 Dellview Street



Figure 7B: Sitting in living room of Unit 2/32 Dellview Street

The view loss impact upon Unit 2/32 Dellview Street, shown in **Figures 7A and B** above, is characterised as ‘minor’ as the majority of water views in the overall view composition will be retained. In fact, the proposal will make some gains in water views for this property. The development will also retain glimpses of sandstone outcrops and the coastline.



Figure 8: Standing in study of Unit 3/32 Dellview Street

The view loss impact upon Unit 3/32 Dellview Street, shown in **Figure 8** above, is characterised as 'minor' as the majority of water views in the overall view composition will be retained. The development will also retain glimpses of sandstone outcrops and the coastline.



Figure 9A: Standing in living room of Unit 4/32 Dellview Street

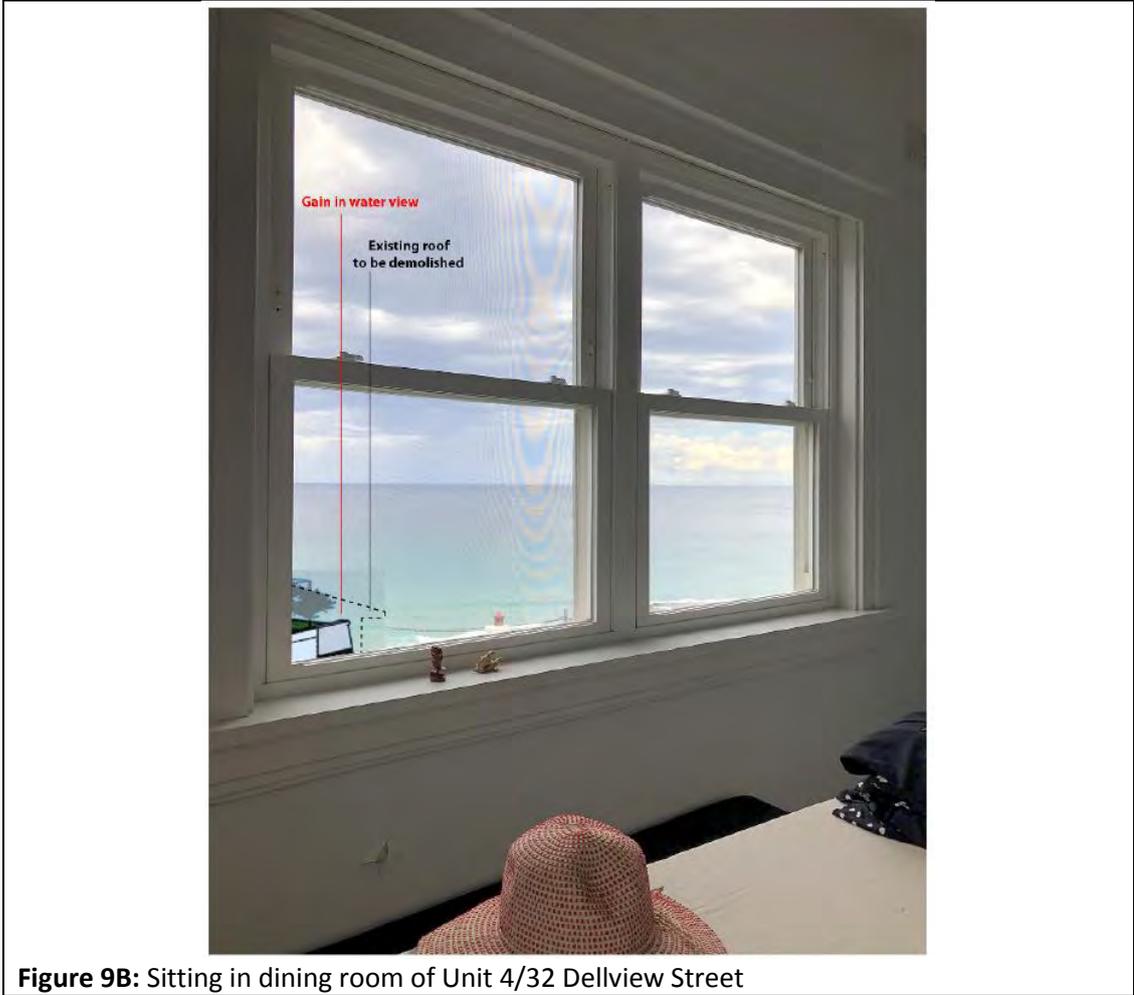


Figure 9B: Sitting in dining room of Unit 4/32 Dellview Street

The view loss impact upon Unit 4/32 Dellview Street, shown in **Figure 9A and B** above, is characterised as 'minor' as the majority of water views and the water/land interface views (i.e. coastline) in the overall view composition will be retained. In fact, the proposal will make some gains in water views for this property.

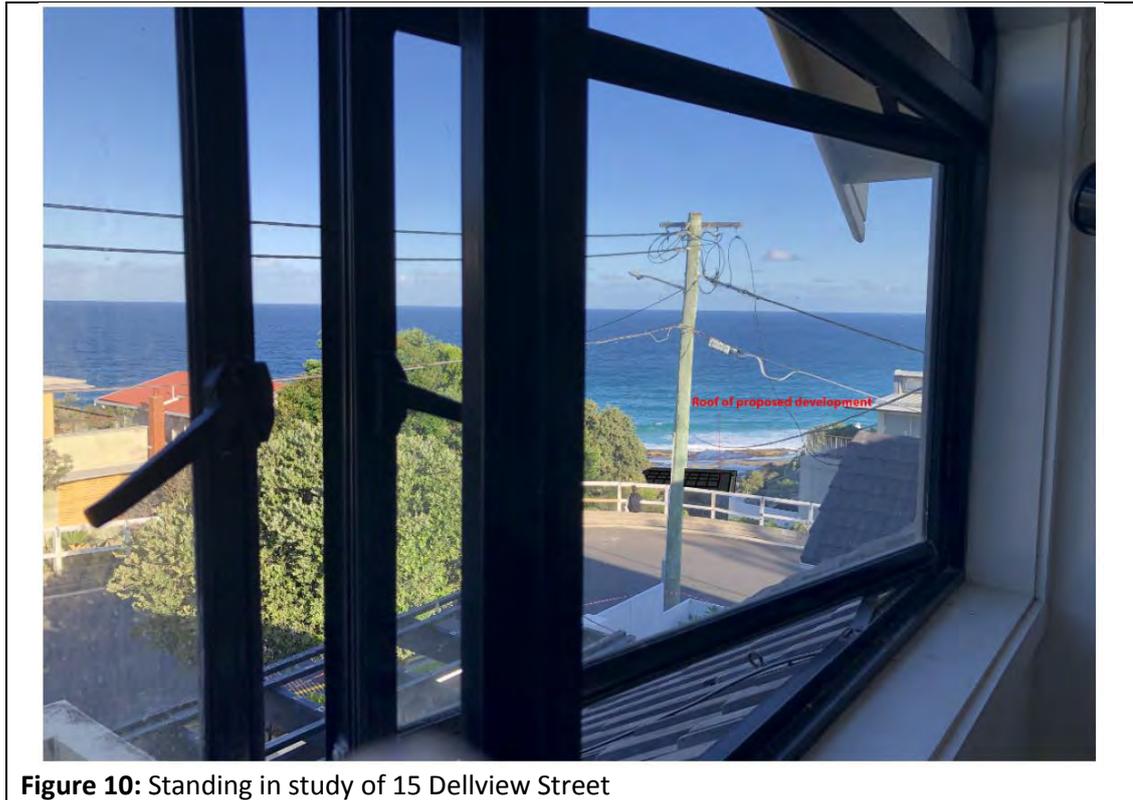


Figure 10: Standing in study of 15 Dellview Street

The view loss impact upon 15 Dellview Street is considered 'minor' as the majority of the view of the water and rock platforms of MacKenzie Bay will remain unaffected.

4. Assess the reasonableness of the proposal that is causing the impact.

While the proposed development departs from both the height of buildings and FSR development standards under Waverley LEP 2012, the overall view loss impact of the proposed development is characterised as 'minor' as the proposed development will reasonably maintain and share views of the water and land/water interface enjoyed by neighbouring properties. The departures from these development standards do not manifest in any adverse and unreasonable view loss, specifically the non-compliance with the height of buildings development standard as that is contained to the glazed balustrading around the uppermost front balcony while the majority of the development is height compliant. As the view analyses demonstrates, the uppermost floor level of the development is suitably set back from the street (front) boundary of the site so as to minimise obstruction to views of water and land/water interface. Therefore, the siting of the proposed development is considered reasonable and the non-compliance with the FSR development standard is inconsequential in this instance.

The view loss impact of the proposed development is considered acceptable with regard to the view sharing planning principle established by the NSW Land and Environment Court and the relevant objectives and controls under section 1.10 of Part C1 of Waverley DCP 2012.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

The application was initially notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Four submissions were received during this period. Following receipt of amended plans, the application was re-notified for 14 days and six submissions were received during this period.

A total of nine (9) submissions were received from the following properties in Tamarama:

- 15 Dellview Street
- 24 Dellview Street
- 1/26-28 Dellview Street
- 1/32 Dellview Street
- 2/32 Dellview Street
- 3/32 Dellview Street
- 4/32 Dellview Street
- 6/32 Dellview Street (on behalf of the Strata Committee of 32 Dellview Street)*
- 8/32 Dellview Street

*this submission states that the submission is on behalf of the whole Strata Committee, however does not identify the individual units of the building at 32 Dellview Street. In this regard, the submission is treated as one whole submission. Nonetheless, the majority of units of the building have made their own submissions against the application.

The applicant relayed a letter of support from the owner/occupier of 15 Gaerloch Avenue, Tamarama during the notification period.

The following issues raised in the submissions have been addressed in the body of this report:

- non-compliance with height of buildings and floor space ratio development standards
- non-compliance with height control in Waverley DCP 2012
- view loss impact
- visual privacy impacts of windows of the development and swimming pool
- streetscape and visual impact
- height and profile of side and rear boundary fences

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

Issue: *Height poles should be erected to anticipate and aid view loss analyses*

Response: Noted. Height poles is one of many ways of anticipating view loss impact. The view analyses for this assessment has been undertaken by way of photomontages, which is common and deemed reasonable.

Issue: *Concern over the mature height of proposed plants within the rear yard*

Response: The submitter is concerned about the mature height of the evergreen hedge (i.e. 'Emerald Lustre') proposed along the rear boundary of the site by referring to the original landscape plan. The landscape plan has been amended and shows that the hedge in the same location will be 'Green Sheer', which has a mature height of 2m (as noted in the plant schedule and the annotation to the plan itself). This mature height is considered reasonable.

A separate submitter has questioned the accuracy of the mature heights of all other plant species shown on the landscape plan. The landscape plan will form part of the approved documentations for the development consent (should the application be approved), and therefore, all plants are to accord with the species specified on the landscape plan.

Issue: *Material of balustrade around the uppermost front terrace of the development*

Response: The architectural and landscape plans both indicate that this balustrade will be comprised of “clear glass”.

Issue: *Noise impacts of the development, particularly the pool and external dining/entertaining areas at the rear*

Response: The development is for a domestic residence and noise arising from the development would be expected to be reasonable within a suburban context. The swimming pool is appropriately set back from the side boundaries of the site and in the rear of the site (as accepted by the DCP) with appropriate plant and built-structure screening. Conditions are recommended to ensure operational equipment for the pool is enclosed in a sound proof containing so as to not disturb adjoining residences.

Issue: *The application should not reference the approval of the development at 15 Gaerloch Avenue as it is not active*

Response: Noted. While Council has no evidence that this consent has yet to be acted upon, the consent has not yet lapsed. The assessment refers to this approval in terms of a streetscape context analysis in Gaerloch Avenue.

Issue: *Impact of development on value of adjoining properties*

Response: This is not a relevant planning matter with regard to the terms of section 4.15 of the Act.

2.5 Public Interest

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

3. REFERRALS

3.1 Creating Waverley – Stormwater

Council’s Manager, Design in the Creating Waverley department did not object to the stormwater plans submitted with the application, subject to a condition of consent.

3.2 Creating Waverley – Traffic and Development

Council’s Professional Engineer – Traffic and Development did not object to the proposal, subject to conditions of consent.

3.3 Sustainable Waverley – Biodiversity

Council's Bushcare Officer relayed the requirement for 50% of plants in the landscape plan to be native. The amended landscape plan reflects this requirement.

3.4 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer did not object to tree removal, provided the trees are replaced in accordance with the landscape plan.

4. SUMMARY

The application seeks development consent for redevelopment of the site known as 13 Gaerloch Avenue, Tamarama to comprise a dwelling house, garage and swimming pool.

The main issues in the assessment of this application are as follows:

- non-compliance with the height of buildings and FSR development standards
- view loss impact.

The assessment finds these issues acceptable on planning merit. The substance of the applicant's written request to contravene both the height of buildings and FSR development standards is well-founded and adequately addresses the relevant matters for consideration under clause 4.6 of Waverley LEP 2012.

The application attracted a total of nine submissions and the issues raised in the submissions have been addressed in the body of this report.

The application is referred to the Waverley Local Planning Panel for determination as it involves more than four unresolved objections and exceeds the height of buildings and FSR development standards by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for deferred commencement consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Ben Magistrale
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 10 May 2019

Date: 15 May 2019
(endorsed on 30 April 2019 MR, BMcN and AR)

Reason for referral:

WLPP Charter:

- 1 Development Applications for Class 1 and 10 buildings that receive 4 or more unresolved objections.

State Government Referral Criteria:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) The following architectural plans prepared by CSA Architects:

Plan description	Revision No / Date	Date received by Council
Li-01 Site Plan	B / 19 February 2019	7 March 2019
Li-02 Ground Floor Plan – Street level	B / 19 February 2019	7 March 2019
Li-03 Ground Floor Plan	B / 19 February 2019	7 March 2019
Li-04 First Floor Plan	B / 19 February 2019	7 March 2019
Li-05 Second Floor Plan	B / 19 February 2019	7 March 2019
Li-06 Roof Plan	B / 19 February 2019	7 March 2019
Li-07 North Elevation	B / 19 February 2019	7 March 2019
Li-08 South Elevation	B / 19 February 2019	7 March 2019
Li-09 East Elevation	B / 19 February 2019	7 March 2019
Li-10 West Elevation	B / 19 February 2019	7 March 2019
Li-11 Section A-A	B / 19 February 2019	7 March 2019
Li-12 Sections B-B & C-C	B / 19 February 2019	7 March 2019
Li-15 External Finishes	B / 19 February 2019	7 March 2019

(b) Landscape Plan No. DA 01.A and documentation prepared by Michael Zinn Landscape Designer, dated 20 February 2019, and received by Council on 7 March 2019;

(c) BASIX and NatHERs Certificate;

(d) Stormwater Details and documentation prepared by ITM Design Pty Ltd, Job No. 18/71, Drawing No. H-DA-00, H-DA-01 and H-DA-02 (Revision A), dated 22 August 2018 and received by Council on 28 August 2019; and

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) In order to provide better relief and delineation from of the street level garage, the front fence comprised of the pedestrian street gate of the development shall extend no higher than 2m above the corresponding existing ground level. Accordingly, the height of part of the proposed western side fence directly behind the front fence shall taper and not extend higher than the existing western side boundary fence.

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

3. APPROVED USE - DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

8. GEOTECHNICAL ENGINEER REPORT

A Geotechnical Engineers Report is to be submitted to the appointed Principal Certifying Authority prior to the issue of the relevant construction certificate, which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

9. STRUCTURAL ENGINEER REPORT

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

10. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

The Structural Engineers Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

11. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

12. ENGINEERING DETAILS

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

13. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such

vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.

(c) Show the location and length of any proposed Works/Construction Zones.

Note:

(i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.

(ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.

(d) Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

14. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

(a) Be drawn at a scale of 1:25

(b) Include reduced levels (RL's) of the Gaerloch Ave carriageway, the kerb and gutter, footpath and the garage floor.

(c) Include existing and design levels.

(d) 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.

(e) Show paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the door opening.

(f) Show all paving on Council's land being sloped/ drained towards the roadway.

15. NEW VEHICLE CROSSING

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

16. NEW KERB AND FOOTPATH ON GAERLOCH AVENUE

The existing kerb and concrete footpath on the Gaerloch Avenue frontage shall be demolished and new kerb and full width pathway shall be installed along the full Gaerloch Avenue frontage at the applicant's expense.

Detailed engineering drawings of the required works shall be prepared by a suitably qualified and experienced engineering professional and submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the Construction Certificate.

17. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

18. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

19. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

21. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

22. LANDSCAPED SLABS

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

23. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. PRIOR TO SITE WORKS

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

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

25. HOME BUILDING ACT

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

26. CONSTRUCTION SIGNS

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

27. OBSTRUCTION TO PUBLIC AREAS

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

28. COMPLIANCE WITH safe work NSW

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

29. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and

- (d) NSW EPA Waste Classification Guidelines 2014;

30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

31. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) (No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

32. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

33. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

34. EXCAVATION BELOW FOOTINGS

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

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

35. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

36. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

37. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

38. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering **to Council, and possibly NSW EPA throughout construction;**
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

39. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

41. NATIONAL CONSTRUCTION CODE (NCC)

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

42. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

43. CERTIFICATE OF SURVEY – LEVELS

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

44. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

45. SERVICE PIPES

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

46. WORK OUTSIDE PROPERTY BOUNDARY

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

47. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the proposed pool/spa is not to exceed a maximum height of RL 34.22;

- (f) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

48. NO WORKS BEYOND BOUNDARIES

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

49. DOMESTIC HEATERS

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

50. FINAL OCCUPATION CERTIFICATE

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

51. STORMWATER MANAGEMENT

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

52. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (e) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

53. POOL MANUFACTURER'S CERTIFICATION

The proposed fibreglass pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

54. LIGHTING

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

55. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

56. PARKING ON-SITE

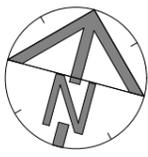
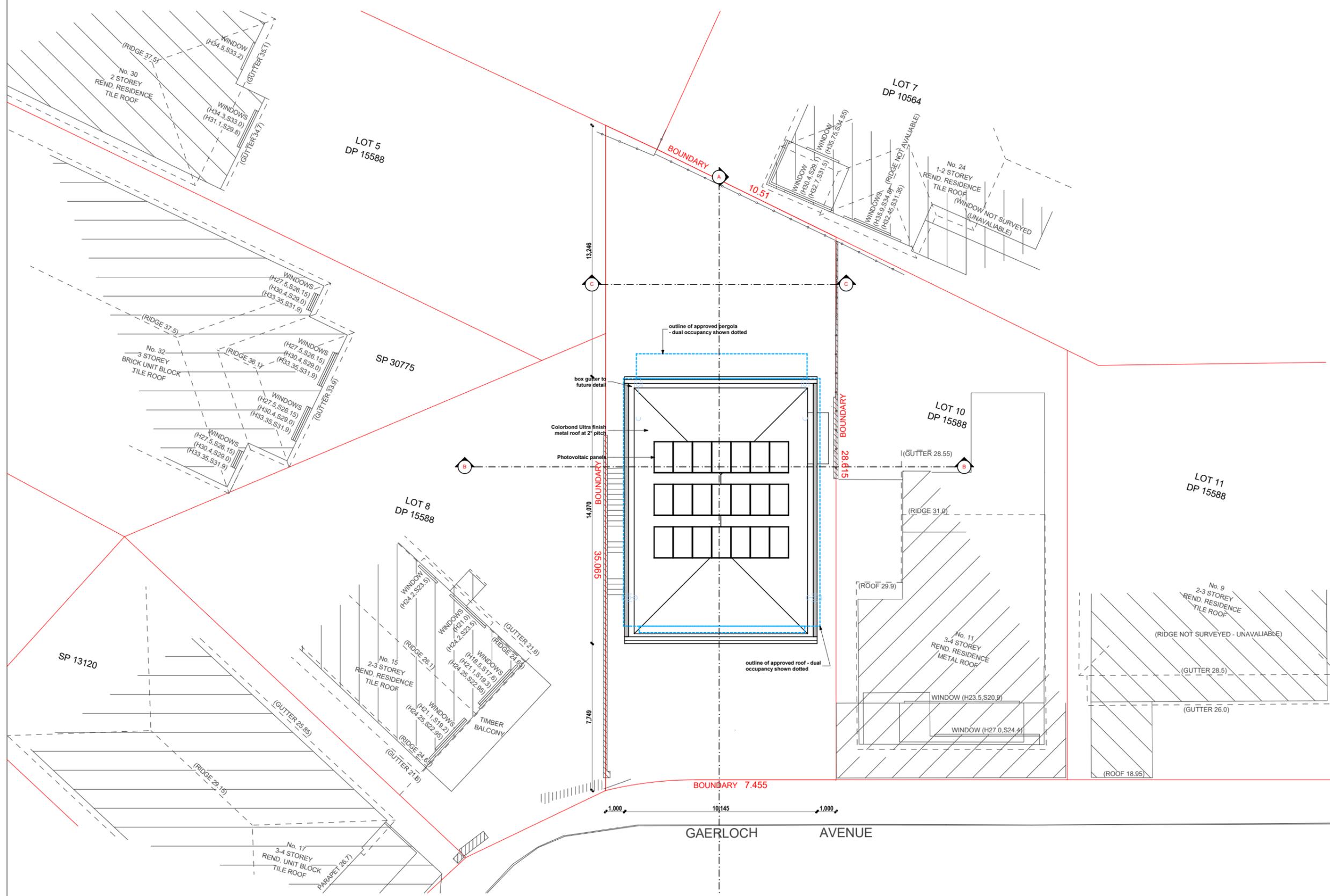
In accordance with Council policy, parking on-site is limited to two (2) vehicles.

57. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS
CSA Architects Pty Ltd. - 61 2 9389 4055 - www.csa-arch.com.au
Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
185 Old South Head Rd., Bondi Junction NSW 2022 a.c.n. 087 234 053

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Client
Li
Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:
SITE PLAN

Scale: 1:200 1:100 1:50 1 METRE INCREMENTS

Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No. **Li-01** Rev. **B**

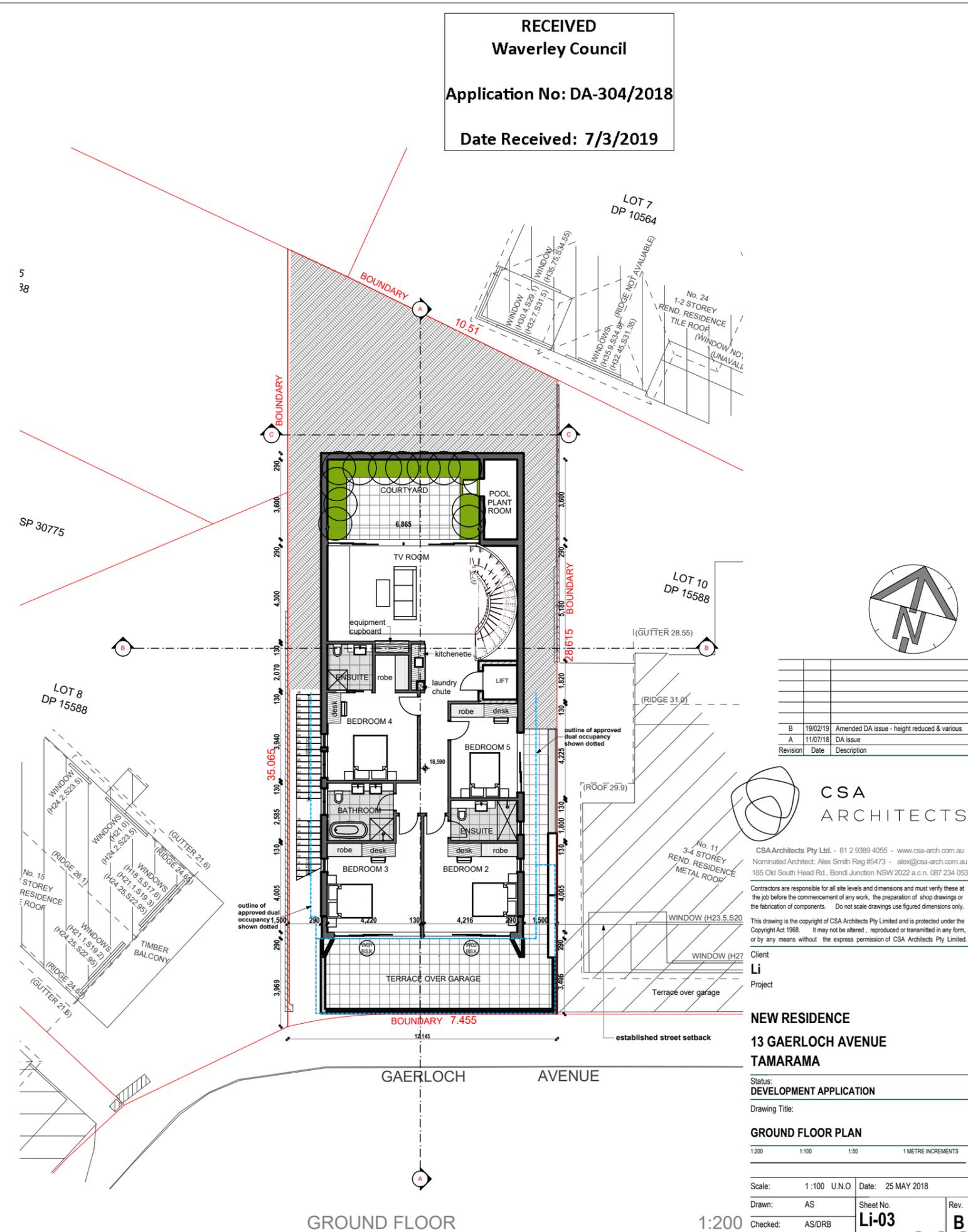
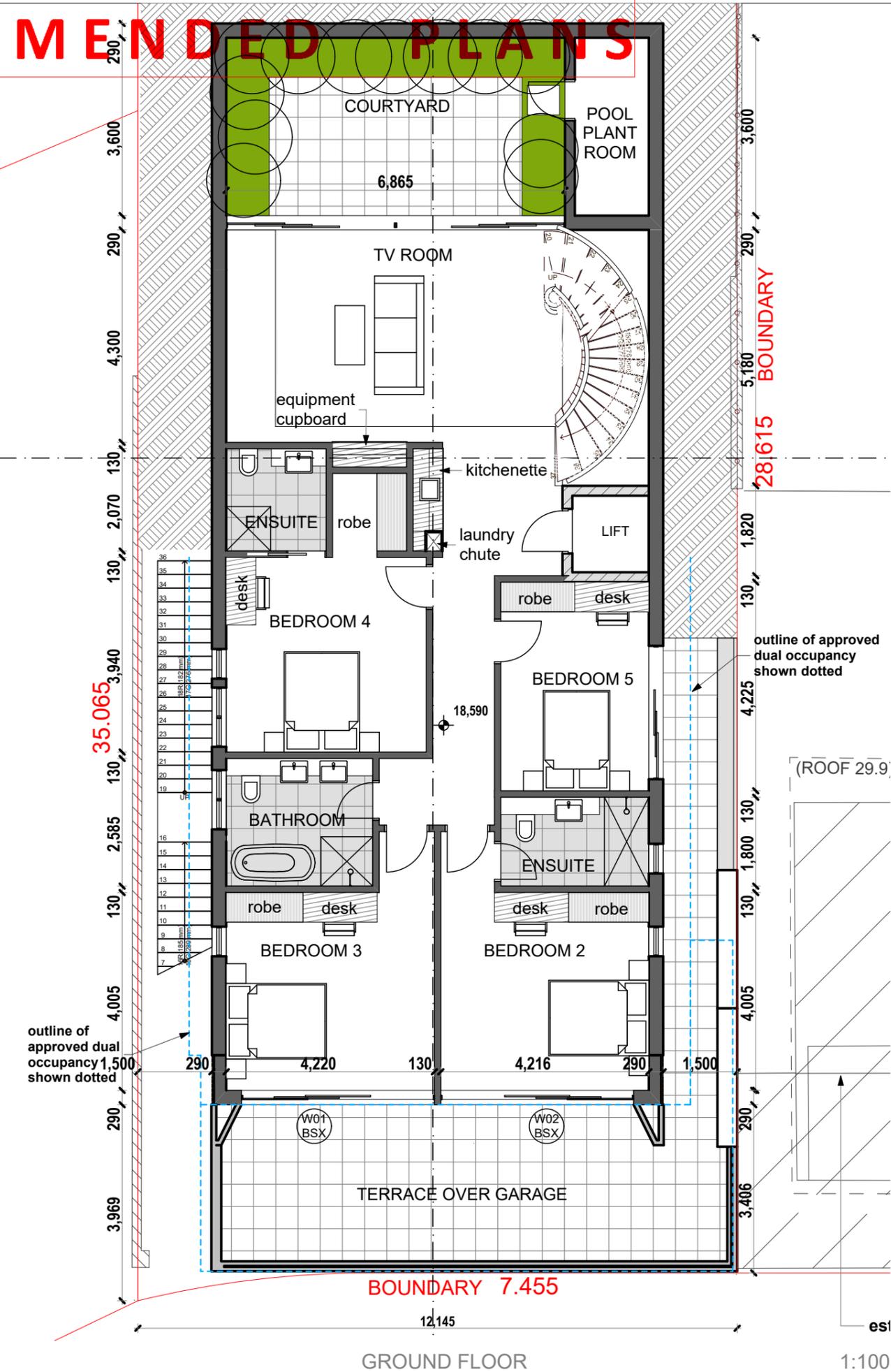
Checked: AS/DRB Plot Date: Wednesday 6 March 2019

SITE PLAN

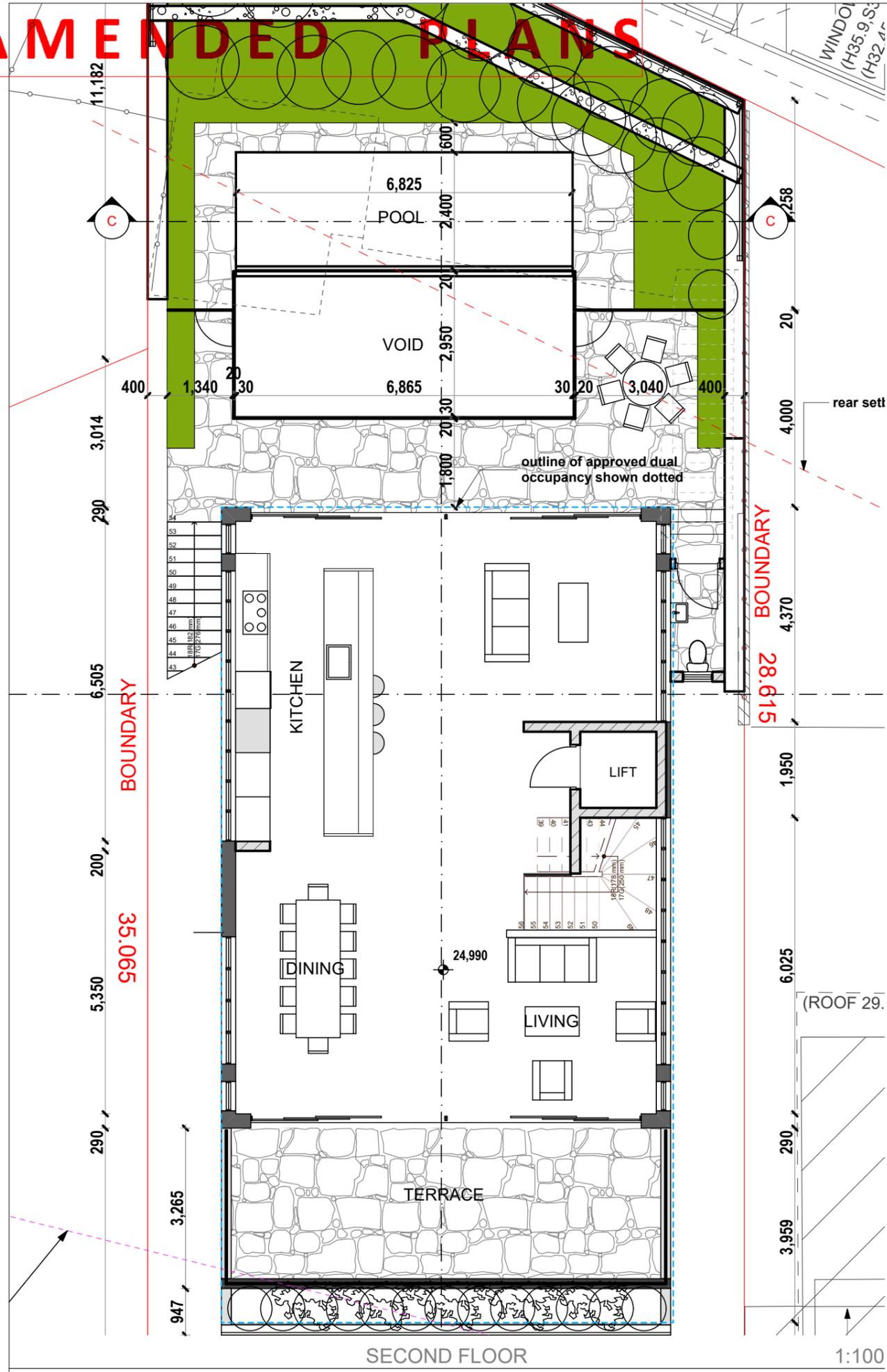
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AMENDED PLANS

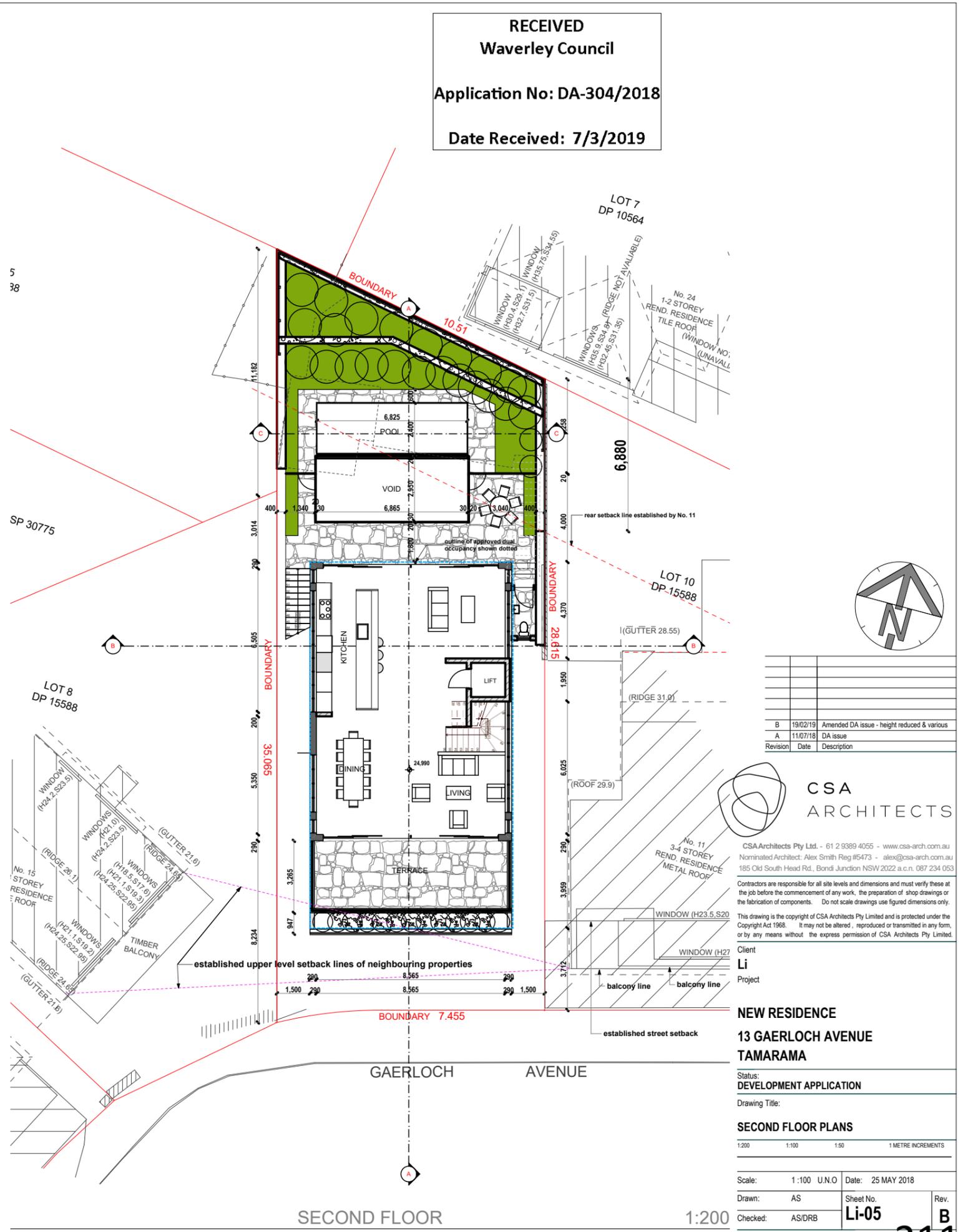
RECEIVED
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AMENDED PLANS



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Client: Li
Project: NEW RESIDENCE

13 GAERLOCH AVENUE TAMARAMA

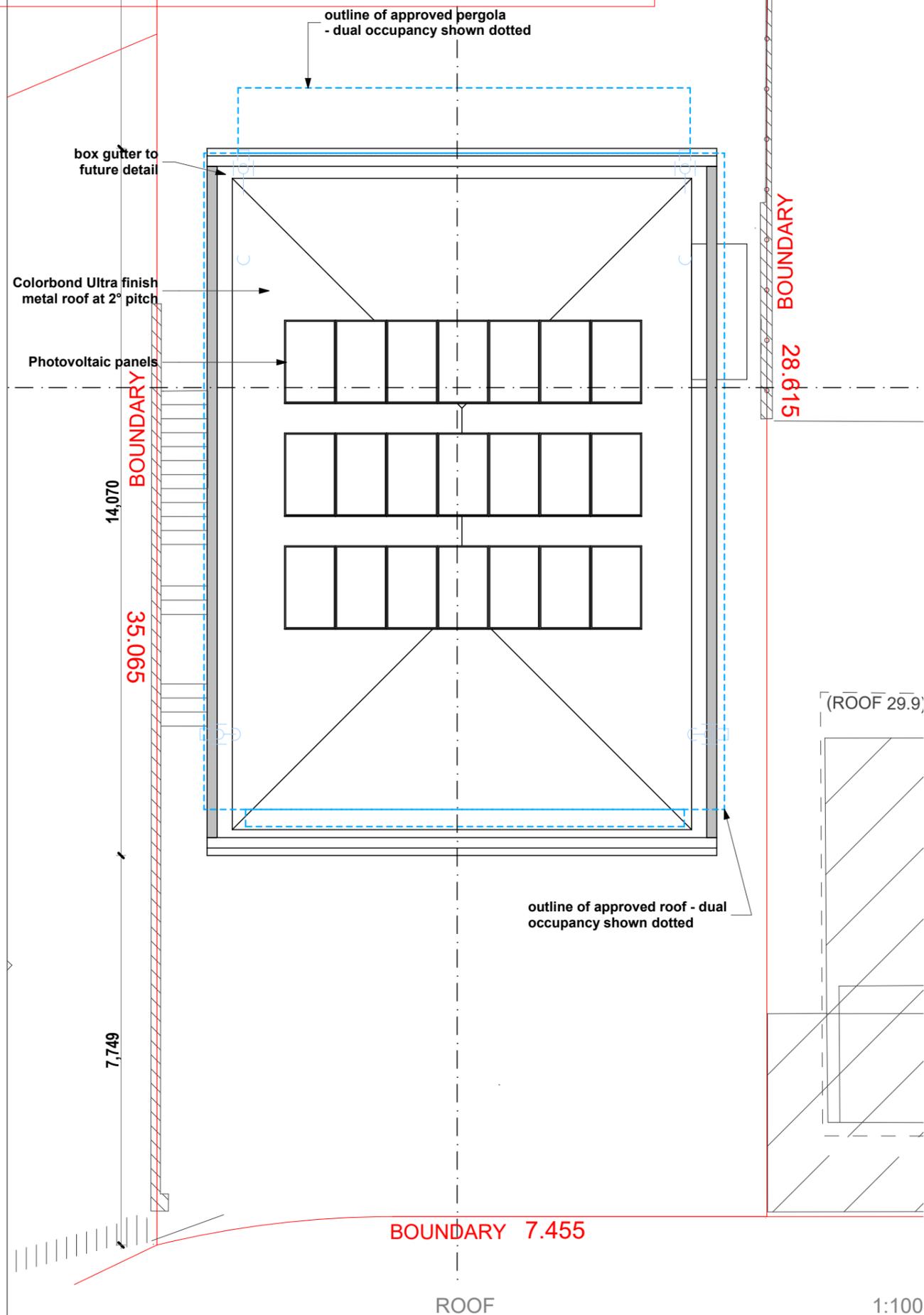
Status: DEVELOPMENT APPLICATION
Drawing Title:

SECOND FLOOR PLANS
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Scale: 1:100 U.N.O Date: 25 MAY 2018
Drawn: AS Sheet No. Li-05 Rev. B
Checked: AS/DRB

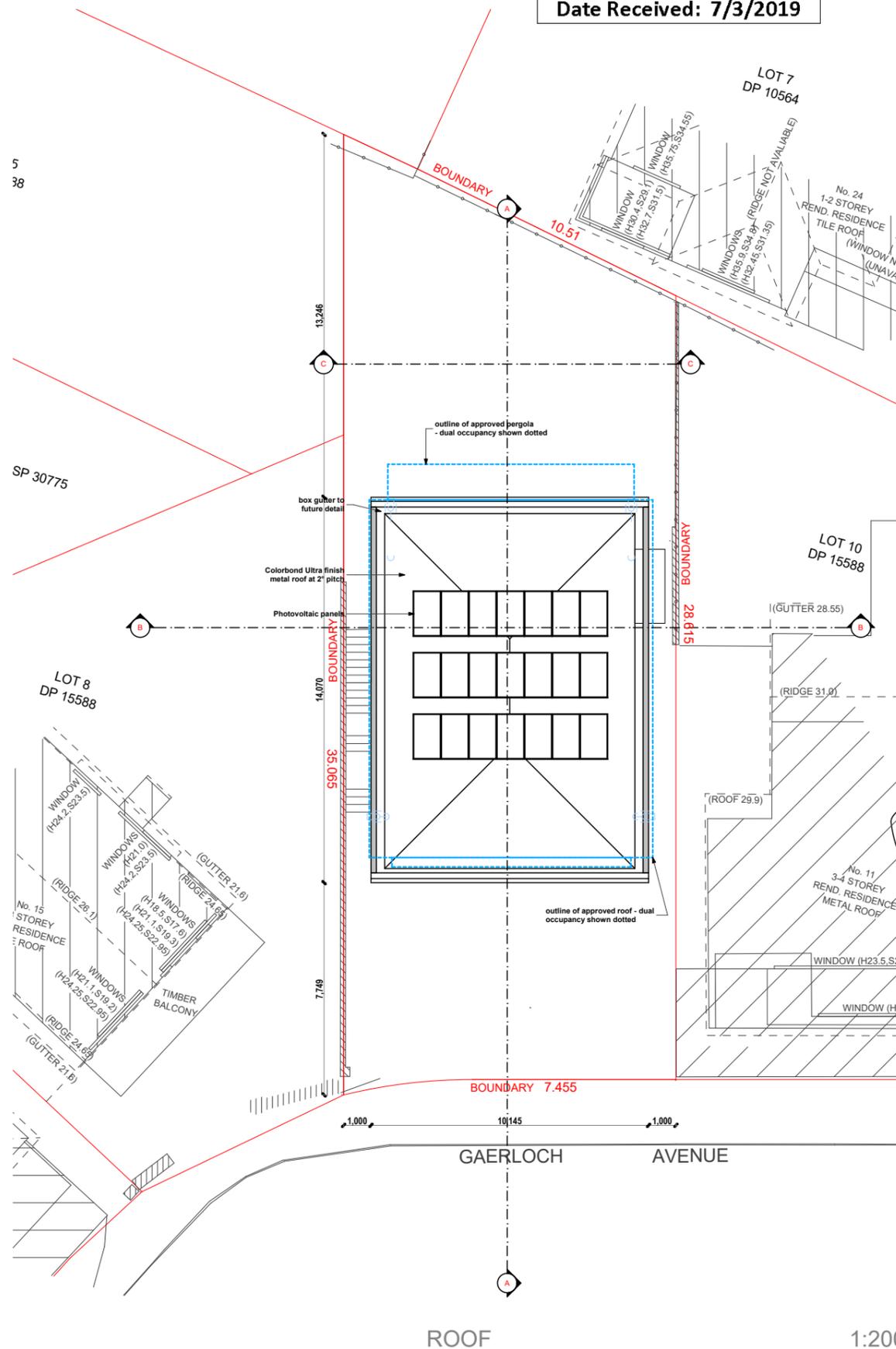
Plot Date: Wednesday 6 March 2019

AMENDED PLANS



NOTE: The applicant must install a photovoltaic system with the capacity to generate at least 0.45 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.

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 Application No: DA 304/2018
 Date Received: 7/3/2019



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

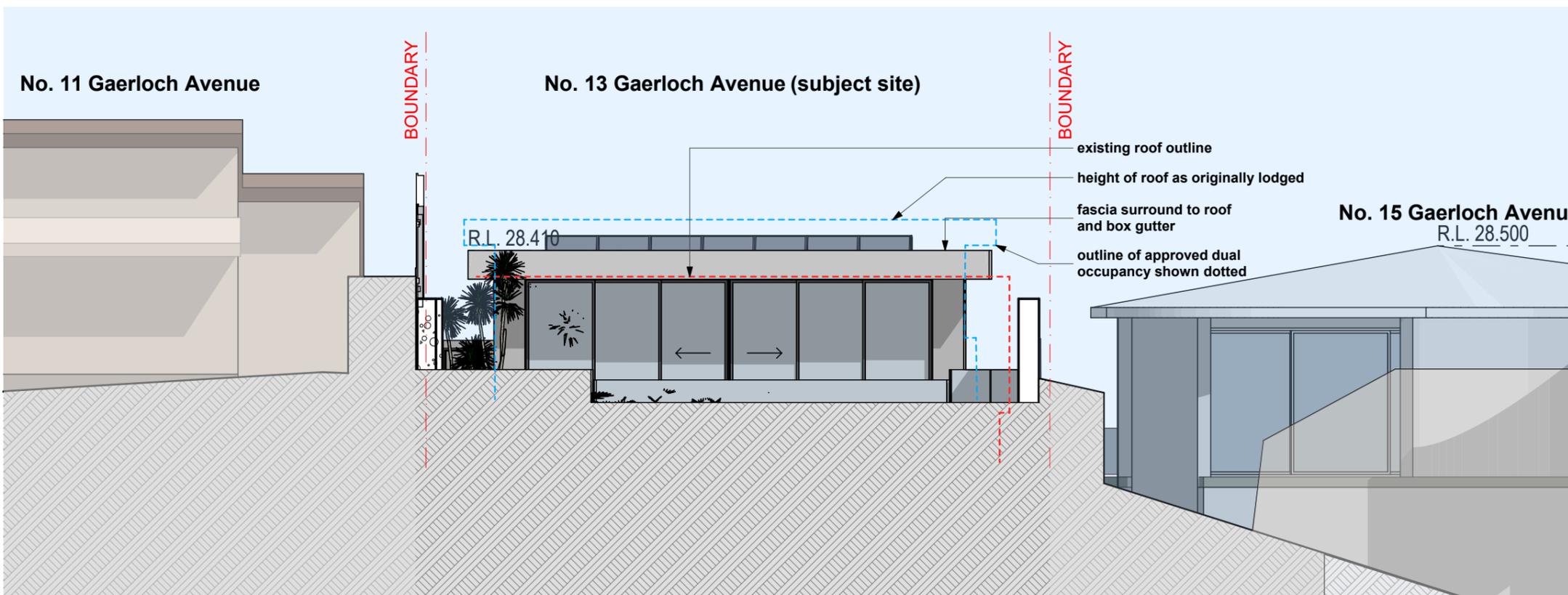
CSA ARCHITECTS
 CSA Architects Pty Ltd. - 61 2 9389 4055 - www.csa-arch.com.au
 Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
 185 Old South Head Rd., Bondi Junction NSW 2022 a.c.n. 087 234 053
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Client: **Li**
 Project: **NEW RESIDENCE
 13 GAERLOCH AVENUE
 TAMARAMA**

Status: **DEVELOPMENT APPLICATION**
 Drawing Title: **ROOF PLAN**
 Scale: 1:200 1:100 1:50 1 METRE INCREMENTS
 Scale: 1:100 U.N.O. Date: 25 MAY 2018
 Drawn: AS Sheet No. **Li-06**
 Checked: AS/DRB
 Plot Date: Wednesday 6 March 2019

AMENDED PLANS

RECEIVED
 Waverley Council
 Application No: DA-304/2018
 Date Received: 7/3/2019



NORTH ELEVATION

1:100

Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue



CSA Architects Pty Ltd. - 61 2 9389 4055 - www.csa-arch.com.au
 Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
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NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:
NORTH ELEVATION

1:200 1:100 1:50 1 METRE INCREMENTS

Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No. **Li-07** Rev. **B**

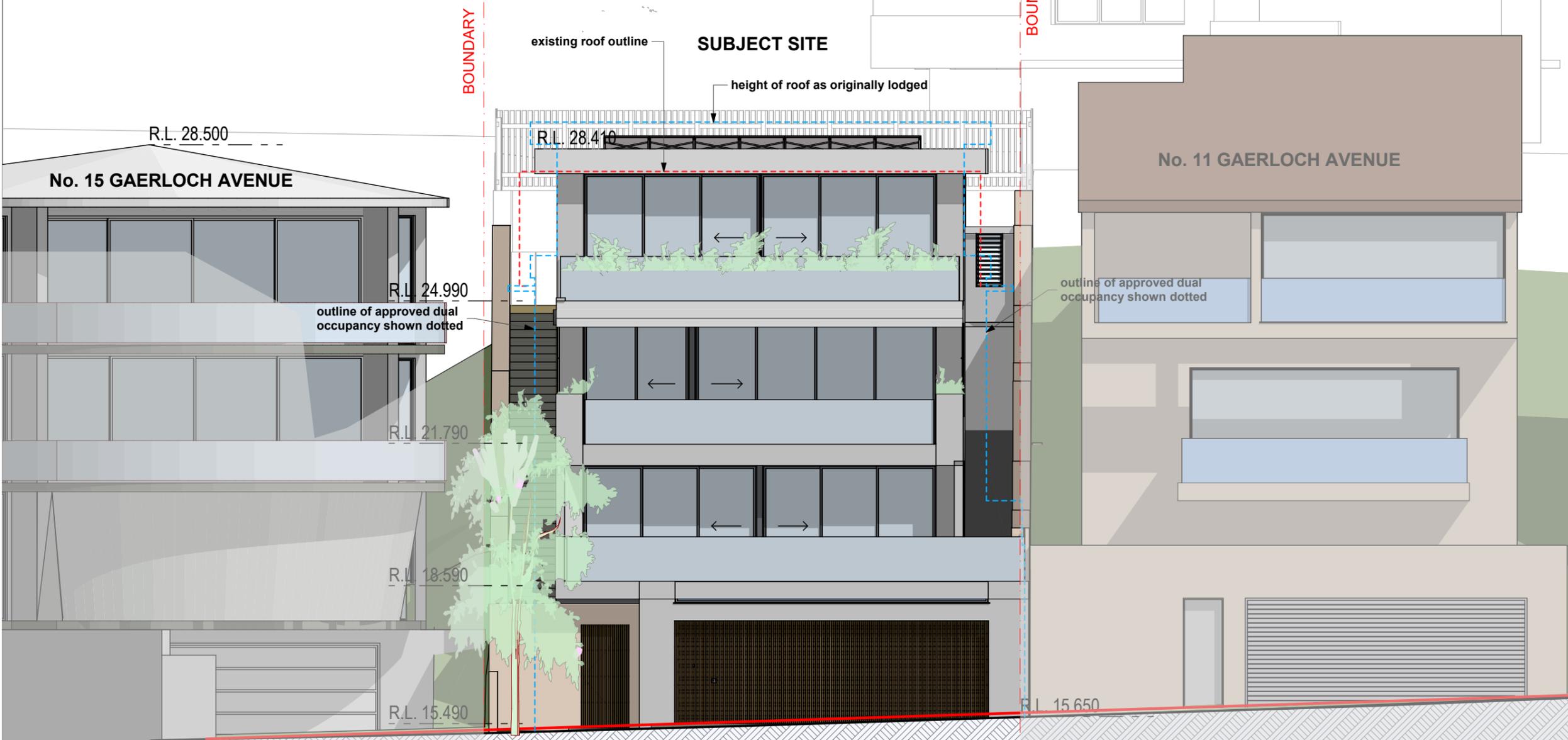
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Plot Date: Wednesday 6 March 2019

AMENDED PLANS



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B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS
CSAArchitects Pty Ltd. - 61 2 9389 4055 - www.csa-arch.com.au
Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
185 Old South Head Rd., Bondi Junction NSW 2022 a.c.n. 087 234 053

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Client: **Li**
Project: **NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA**

Status: **DEVELOPMENT APPLICATION**
Drawing Title: **SOUTH ELEVATION**

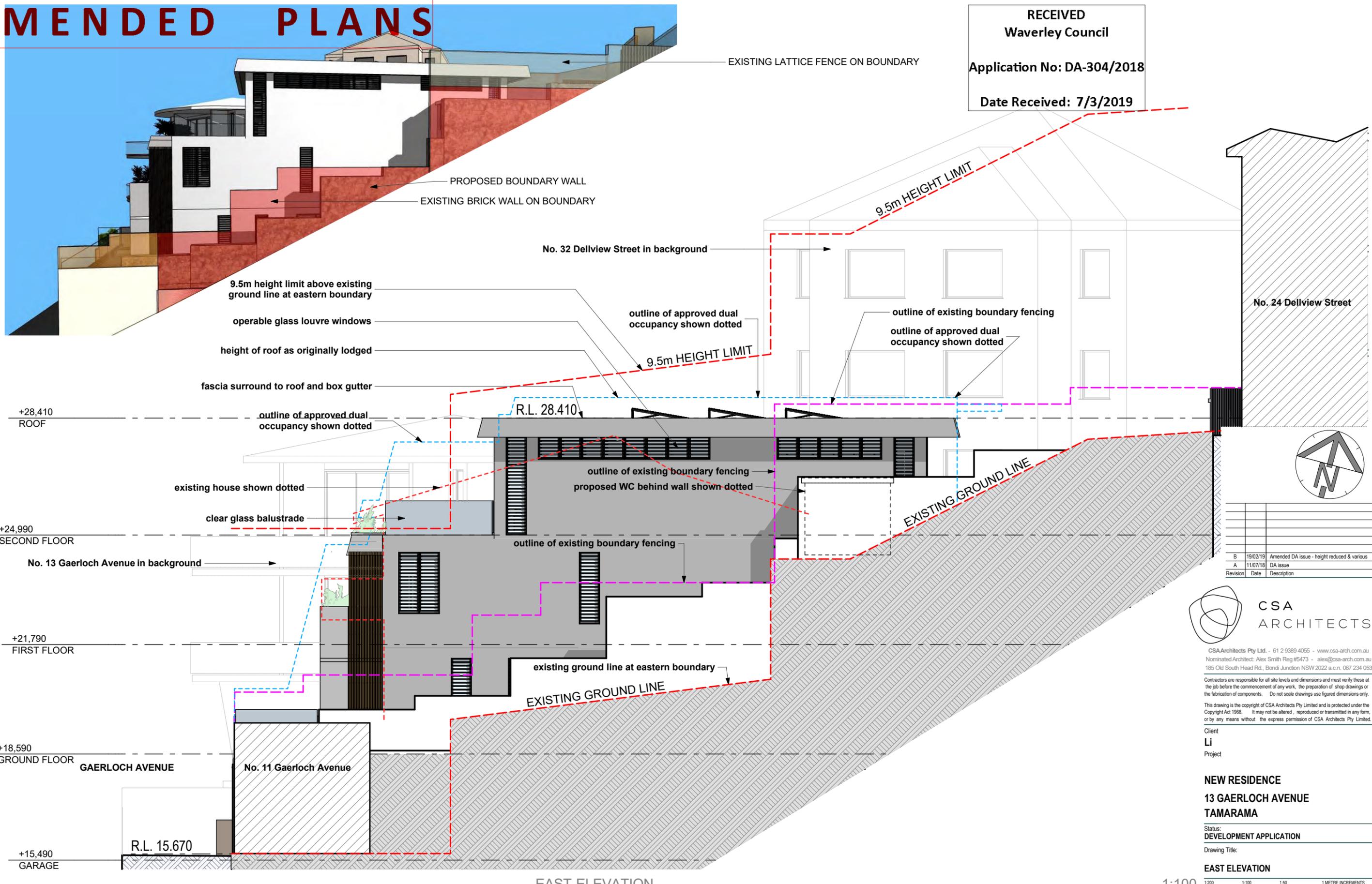
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Scale:	1:100	U.N.O	Date:	25 MAY 2018
Drawn:	AS	Sheet No.:	Li-08	Rev.:
Checked:	AS/DRB			B
Plot Date:	Wednesday 6 March 2019			

SOUTH ELEVATION (facing Gaerloch Avenue)

1:100

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS

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Client
Li
Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:
EAST ELEVATION

Scale: 1:200 1:100 1:50 1 METRE INCREMENTS

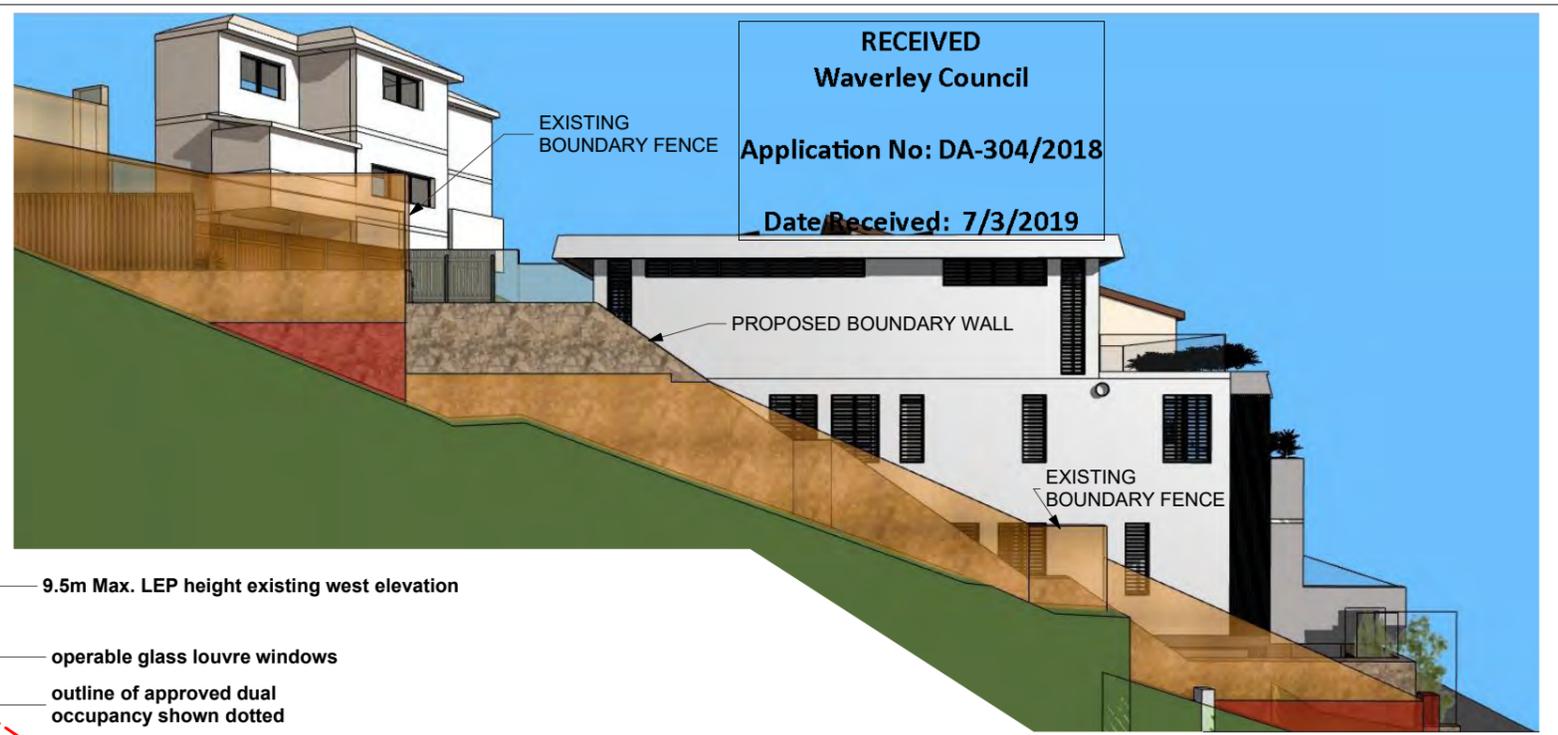
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Drawn: AS Sheet No.

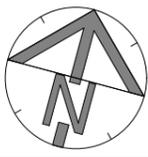
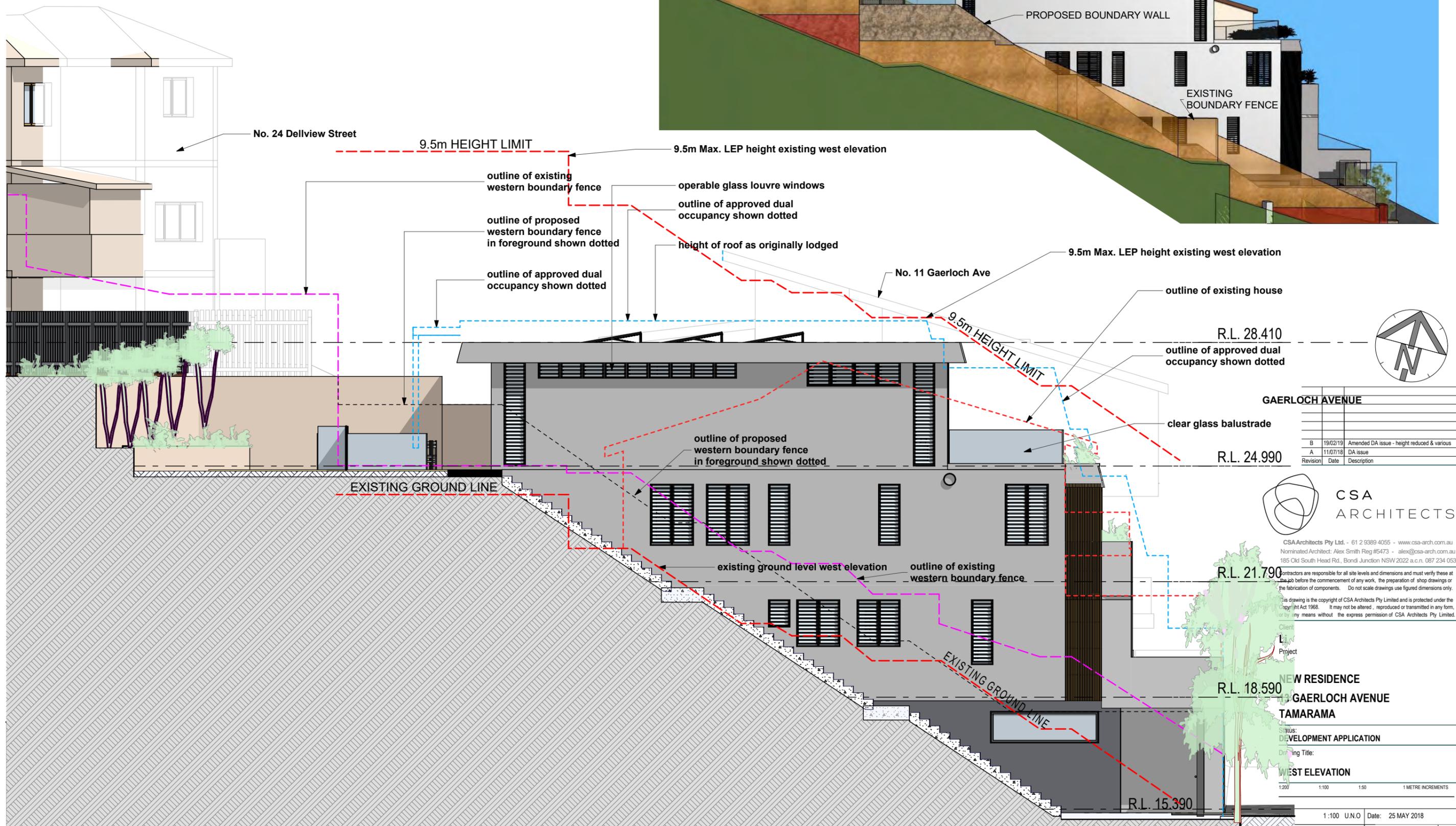
Checked: AS/DRB **Li-09** Rev. **B**

Plot Date: Wednesday 6 March 2019

AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019



GAERLOCH AVENUE		
Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

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Client: [Redacted]
Project: [Redacted]
NEW RESIDENCE
GAERLOCH AVENUE
TAMARAMA

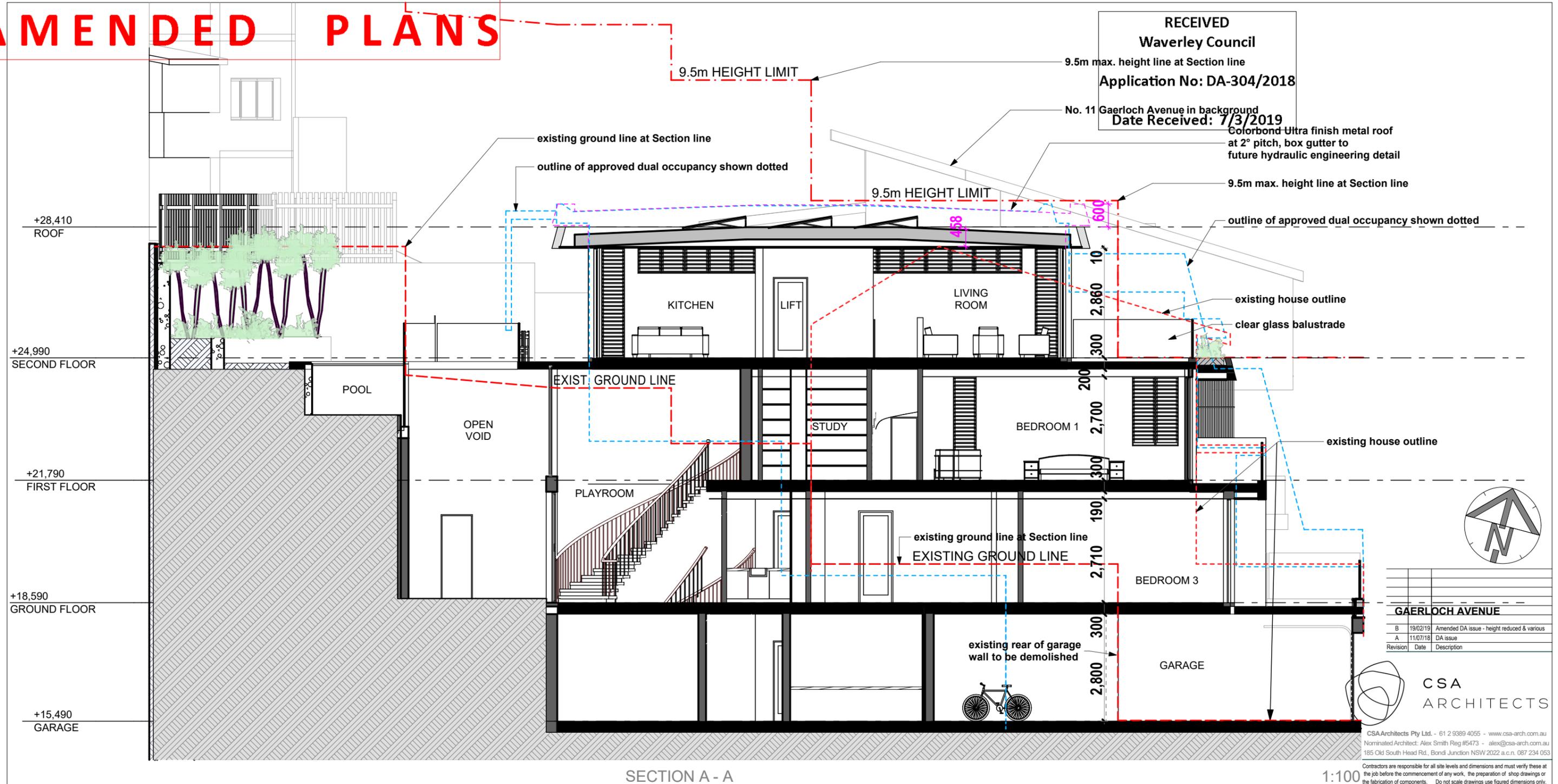
Status: **DEVELOPMENT APPLICATION**
Drawing Title: **WEST ELEVATION**

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Drawn: AS	Checked: AS/DRB	Sheet No. Li-10	Rev. B
Plot Date:		Wednesday 6 March 2019	

WEST ELEVATION

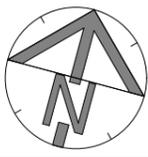
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AMENDED PLANS



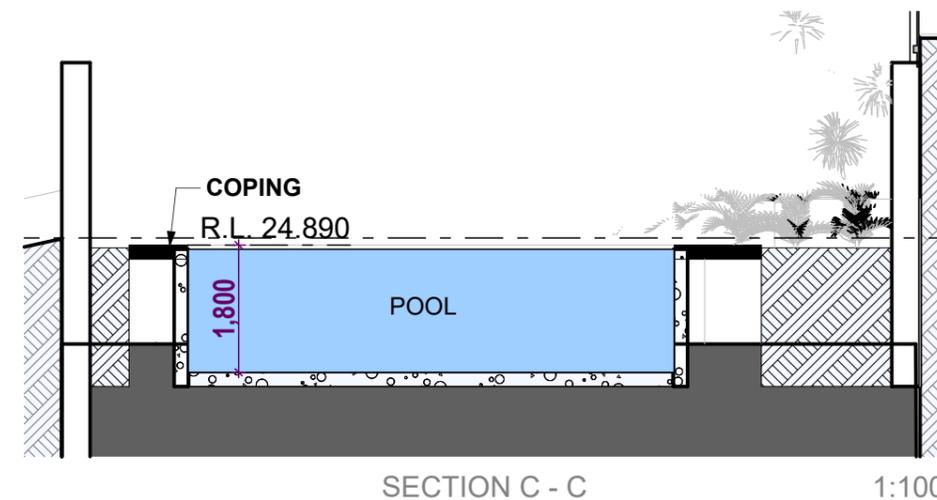
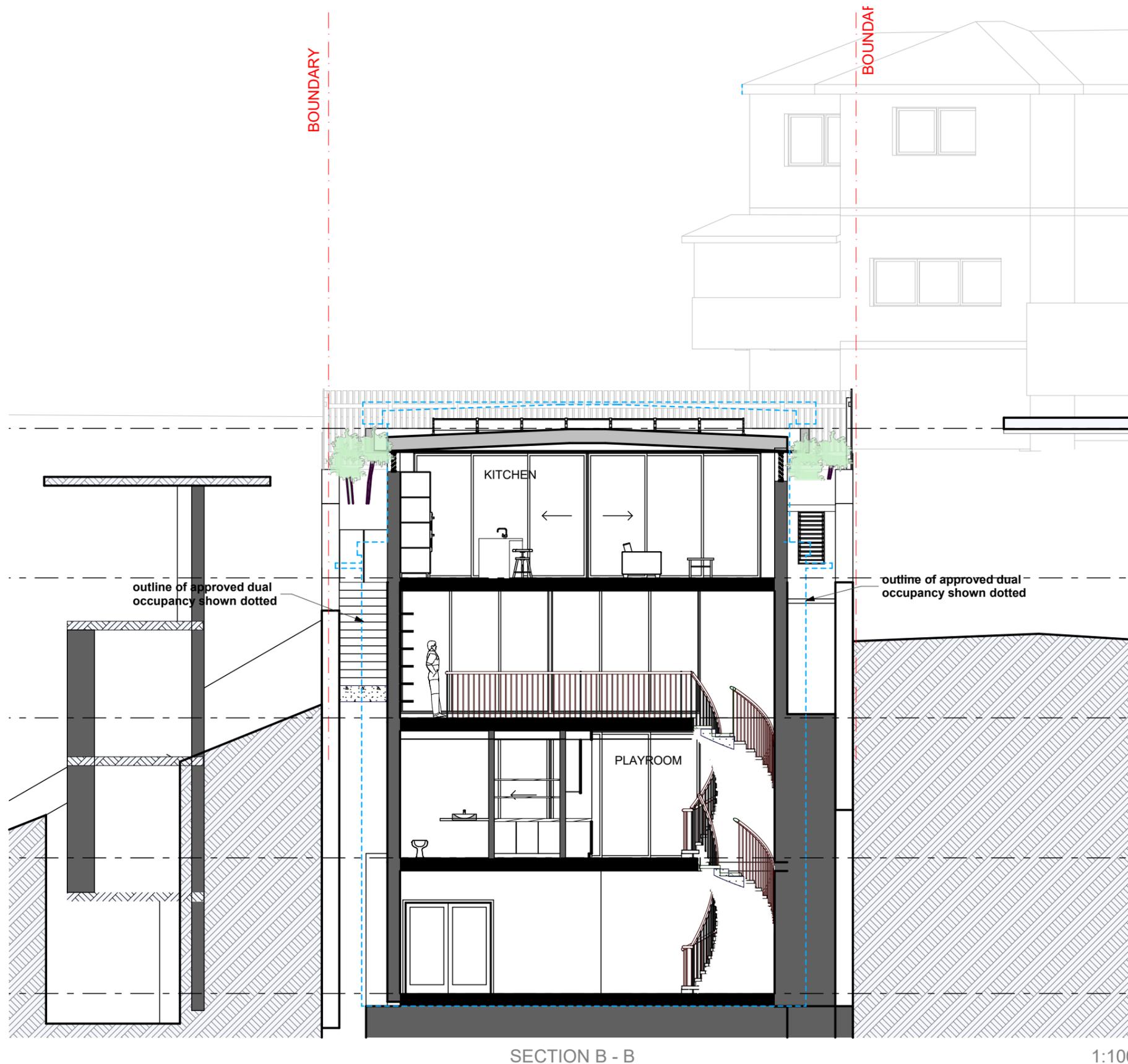
SECTION A - A

1:100



AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS

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Client: **Li**
Project:

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status: **DEVELOPMENT APPLICATION**

Drawing Title:

SECTIONS B-B & C-C

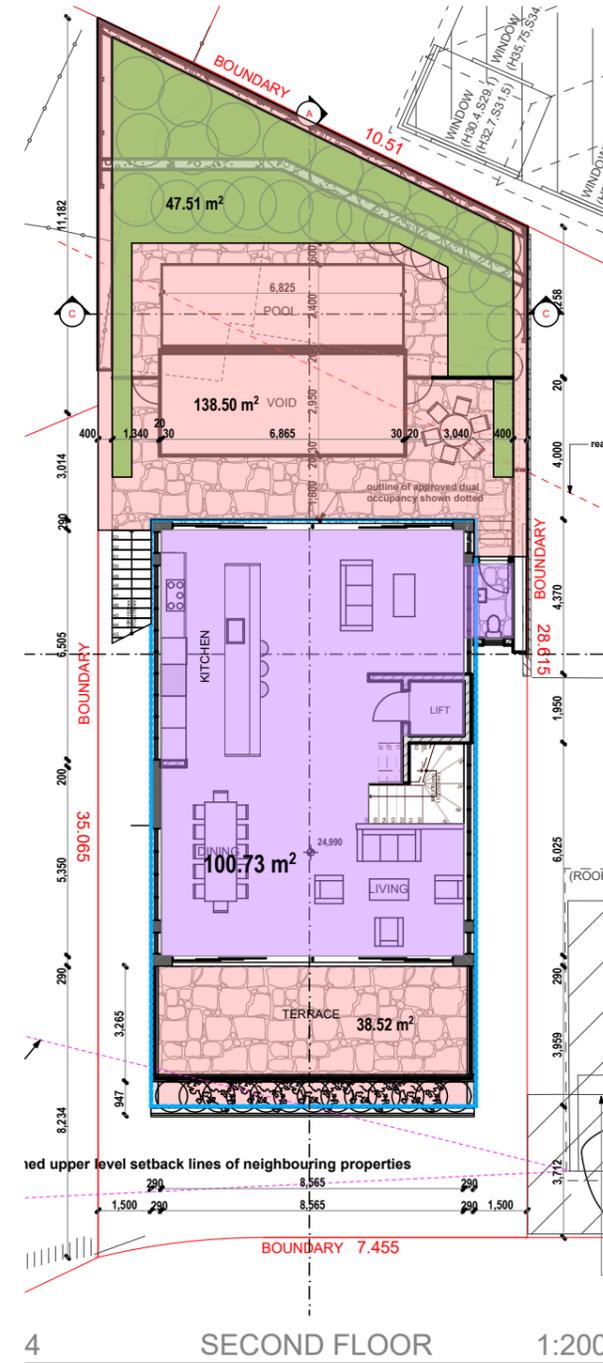
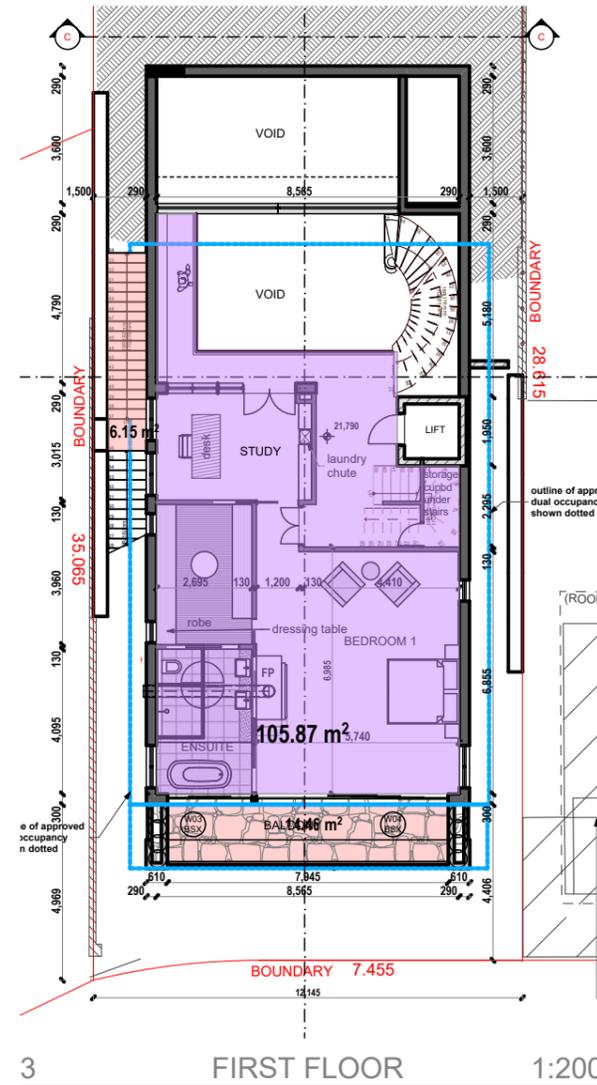
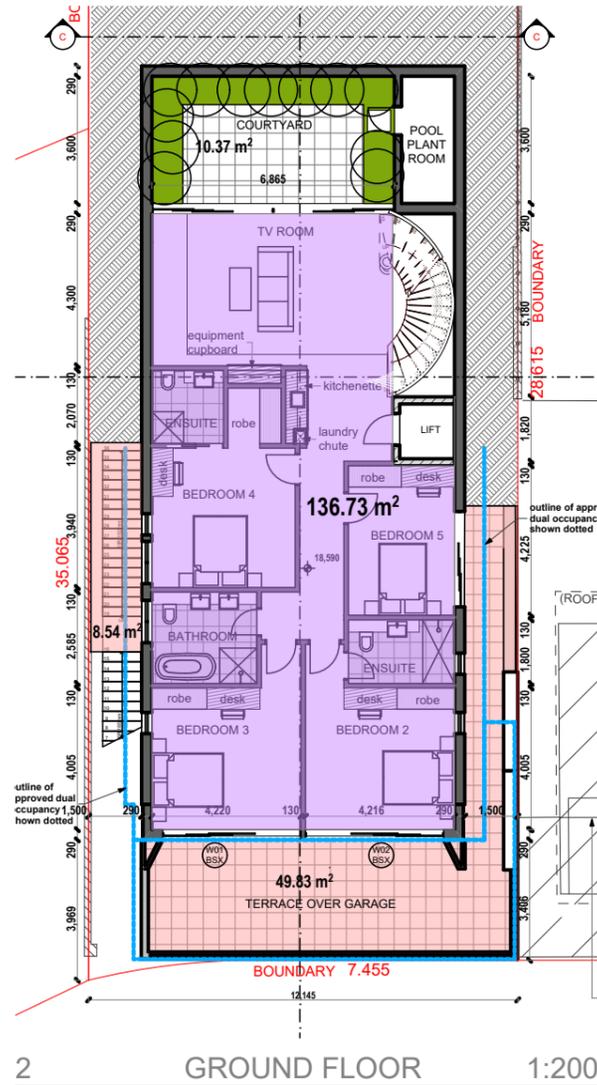
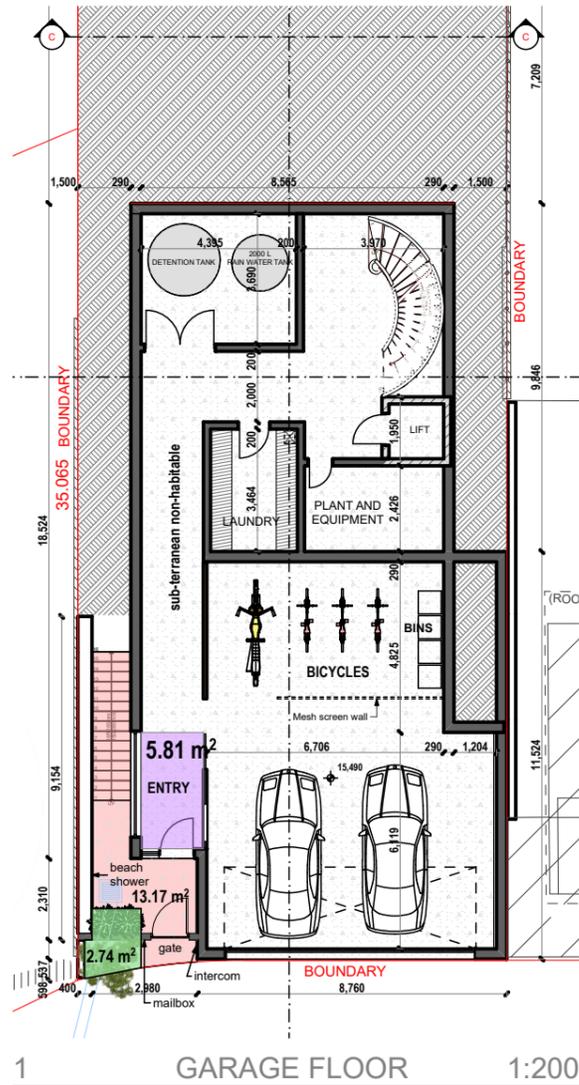
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Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No.

Checked: AS/DRB **Li-12** Rev. **B**

Plot Date: Wednesday 6 March 2019



FLOOR SPACE RATIO (FSR)

SITE AREA	384.44m ²
GARAGE LEVEL	5.81m ²
GROUND LEVEL	136.73m ²
FIRST LEVEL	105.87m ²
SECOND LEVEL	100.73m ²
TOTAL	349.14m ²
FSR PROPOSED	=0.91:1

LANDSCAPED AREA

SITE AREA	384.44m ²
GARAGE LEVEL	2.74m ²
GROUND LEVEL	10.37m ²
SECOND LEVEL	47.51m ²
TOTAL	60.62m ²
	15.80%
EXISTING LANDSCAPE	48.70m ²

OPEN SPACE

SITE AREA	384.44m ²
GARAGE LEVEL	58.37m ²
FIRST LEVEL	20.61m ²
SECOND LEVEL	177.02m ²
TOTAL	256m ²
	66.6%

AMENDED PLANS



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS

CSAArchitects Pty Ltd. - 61 2 9389 4055 - www.csa-arch.com.au
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Client
Li
 Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

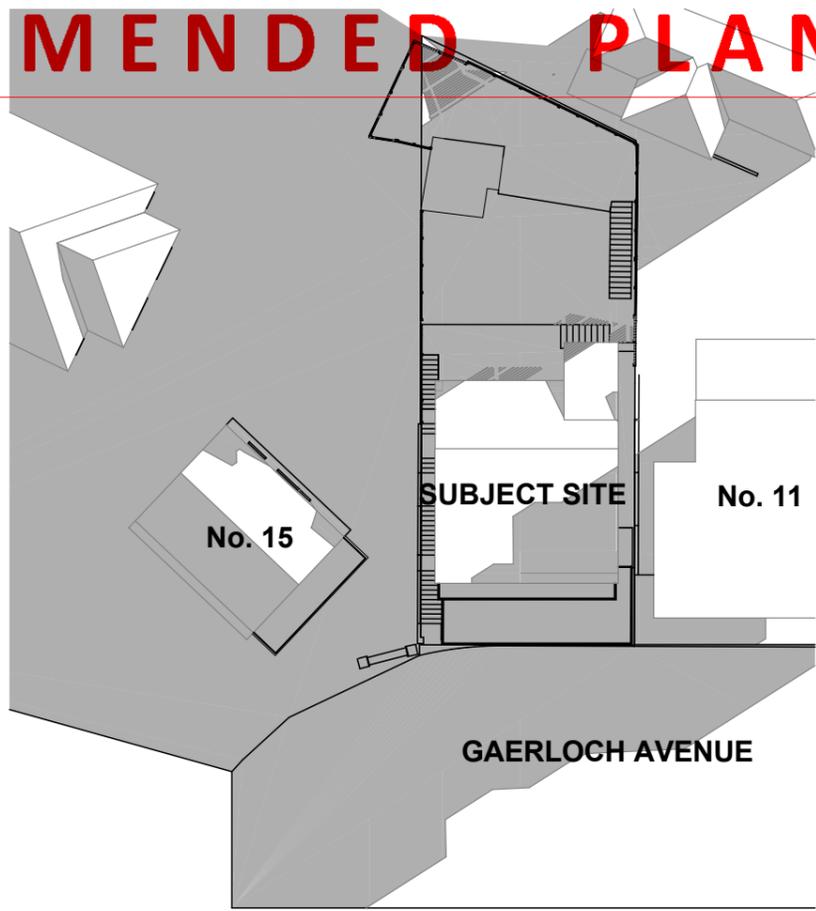
Status:
DEVELOPMENT APPLICATION
 Drawing Title:

AREA CALCULATIONS
 1:200 1:100 1:50 1 METRE INCREMENTS

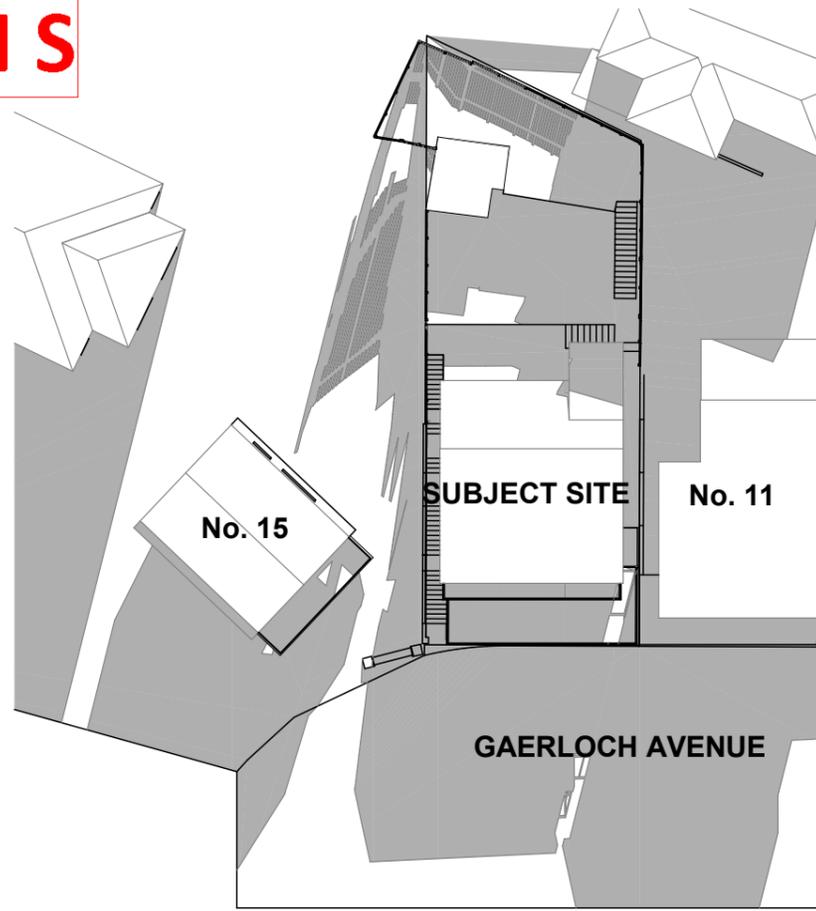
Scale: 1:100 U.N.O Date: 25 MAY 2018
 Drawn: AS Sheet No.
 Checked: AS/DRB **Li-13** Rev.
 Plot Date: Monday, 11 March 2019

RECEIVED
Waverley Council
 Application No: DA-304/2018
 Date Received: 07/03/2019

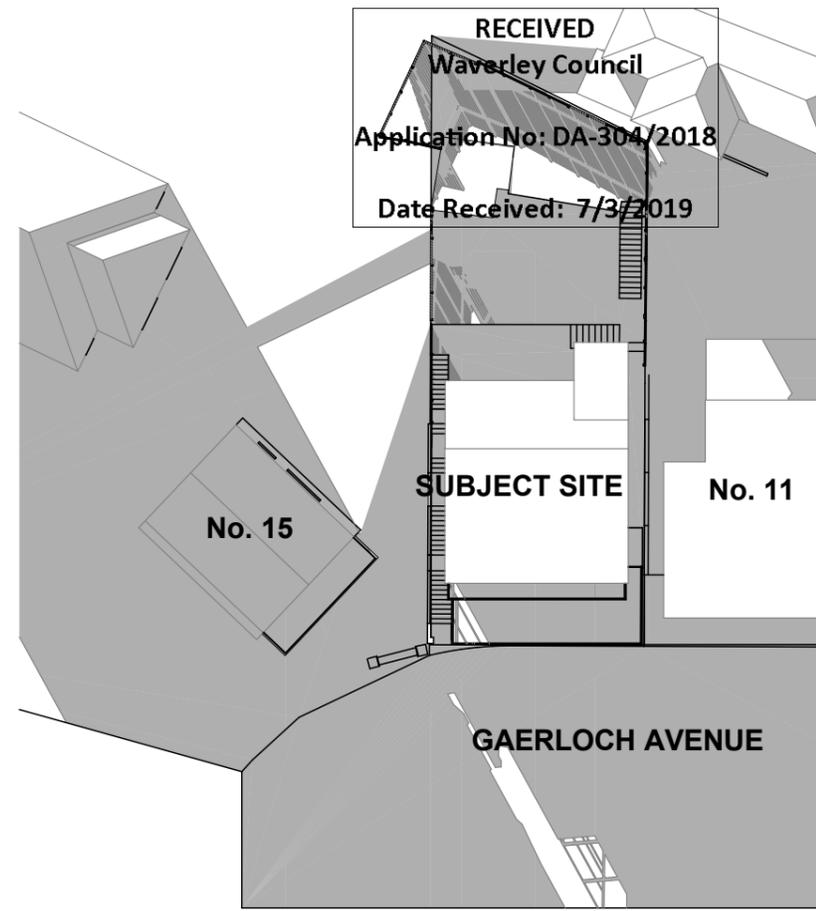
AMENDED PLANS



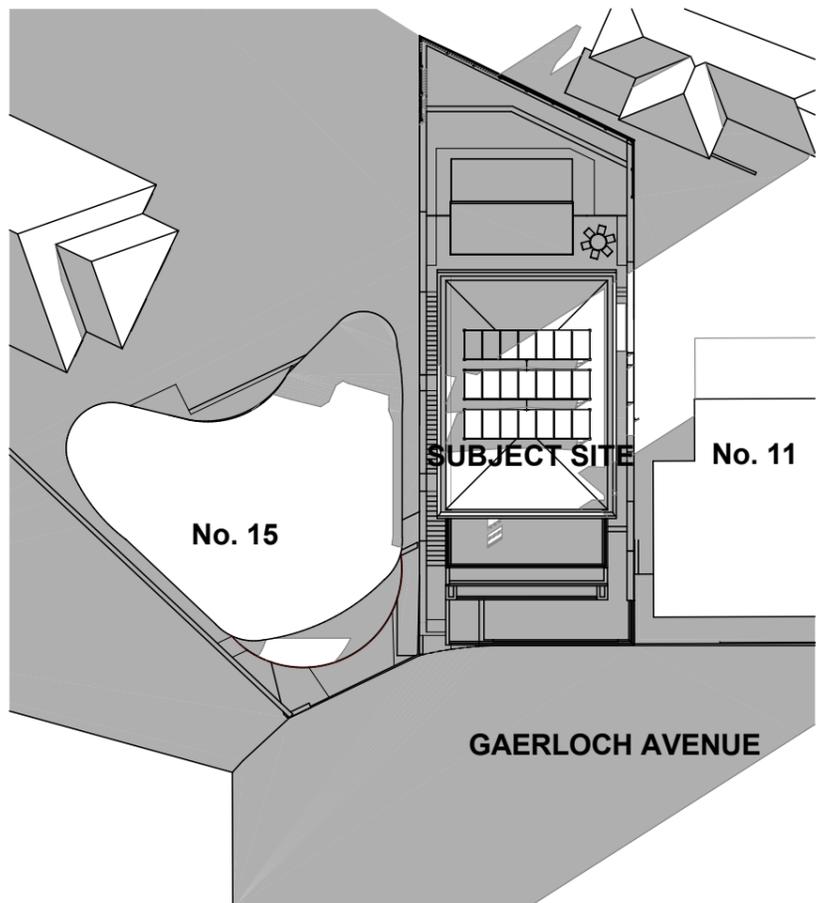
June Existing 0900 1:400



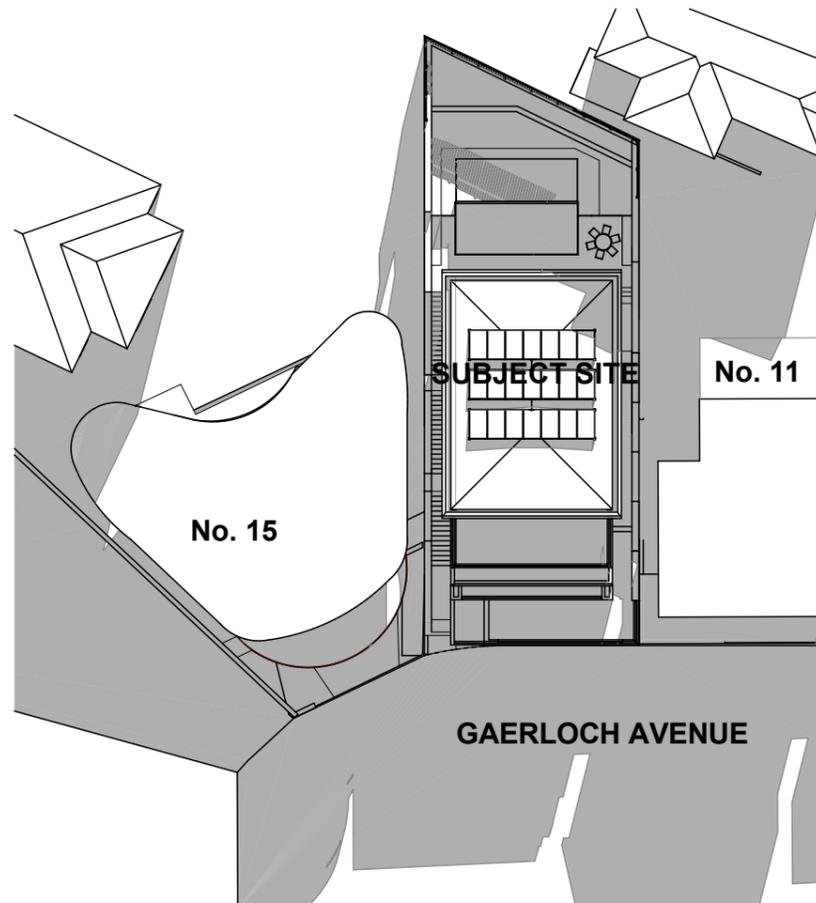
June Existing 1200 1:400



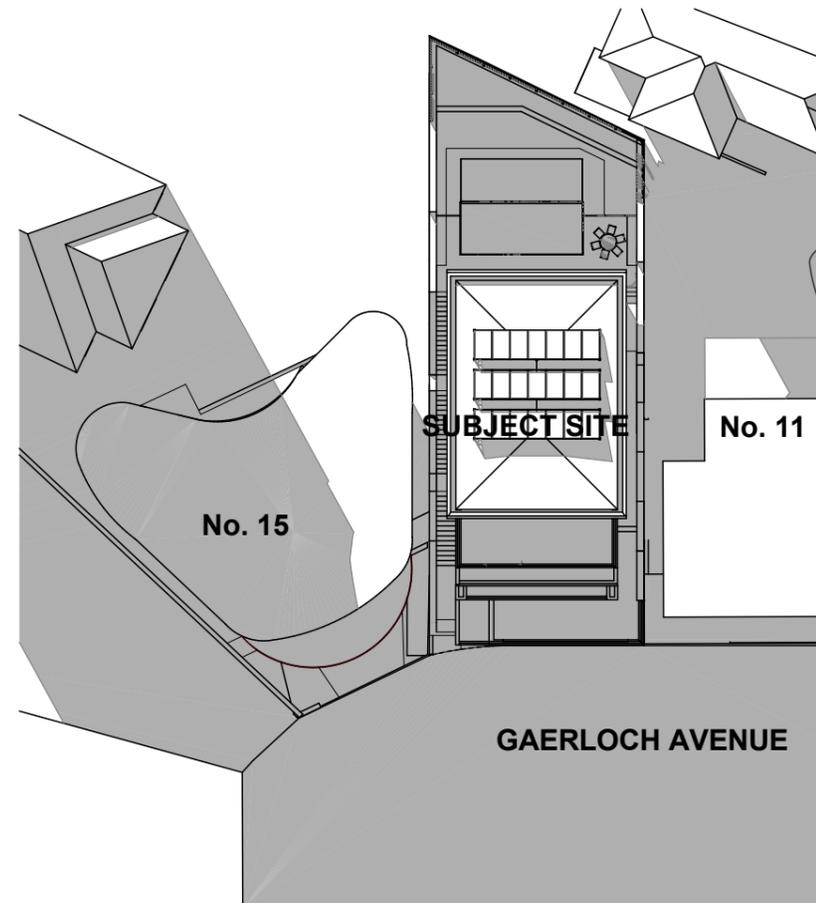
June Existing 1500 1:400



June Proposed 0900 1:400



June Proposed 1200 1:400



June Proposed 1500 1:400

RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019

Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS
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Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
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Client: **Li**
Project:

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

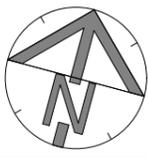
Status: **DEVELOPMENT APPLICATION**

Drawing Title: **SHADOWS (JUNE)**

Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No. **Li-14** Rev. **B**
Checked: AS/DRB

Plot Date: Wednesday 6 March 2019



AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019

CRP

AL

CRP1

TIMB

ST

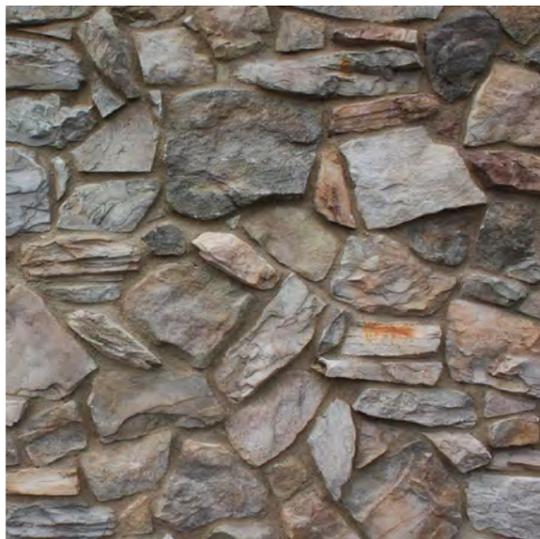


Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

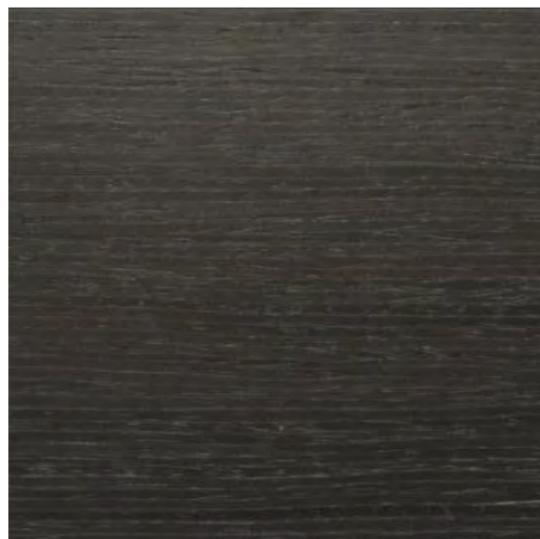
FINISHES SCHEDULE



CRP - Cement Render and Paint
Dulux Natrual or similar
CRP1 - Render and paint grey color
TBC



ST - Sandstone external walls and boundary walls



TIMB - Timber gate and garage door
Australian Hardwood - Dark stain



AL - Aluminium frame window/doors
Color - Monument or similar



CSA ARCHITECTS

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Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
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Client
Li
Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:

EXTERNAL FINISHES

1:200 1:100 1:50 1 METRE INCREMENTS

Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No.

Checked: AS/DRB **Li-15** Rev. **B**

Plot Date: Wednesday 6 March 2019

AMENDED PLANS

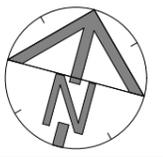
RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019

Num.15 Gaerloch Avenue
recently approved

Subject property



PHOTOMONTAGE



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS

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Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
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Client
Li
Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:
PHOTOMONTAGE

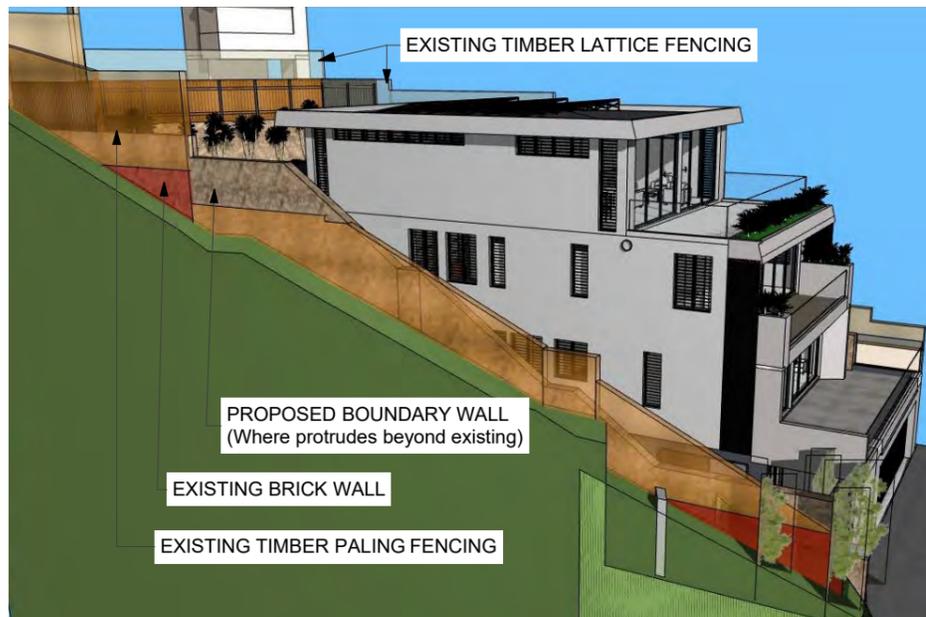
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Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No. Li-16 Rev. B

Checked: AS/DRB Plot Date: Wednesday 6 March 2019

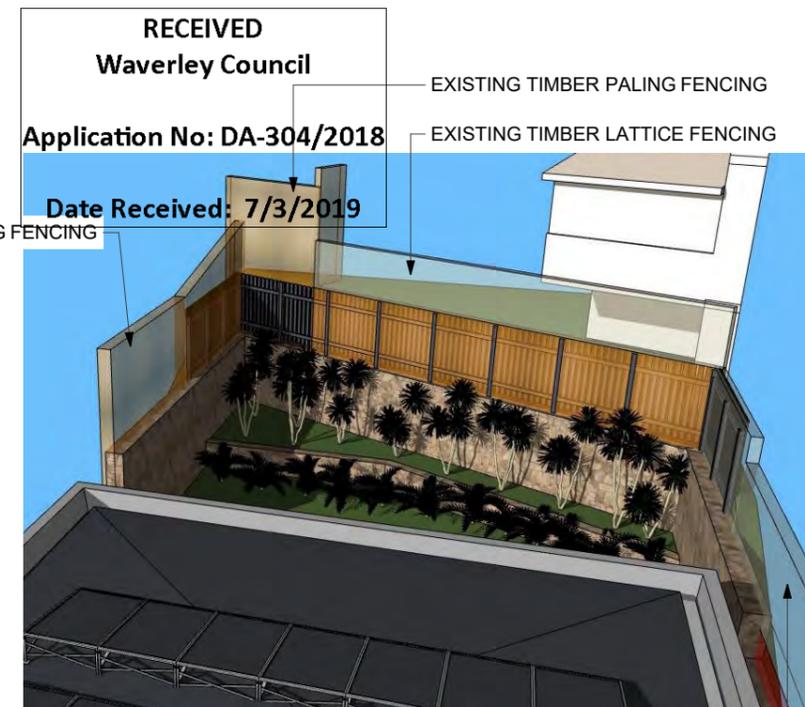
AMENDED PLANS



Existing boundary fencing WEST

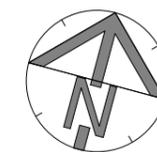


Existing boundary fencing WEST Stairs

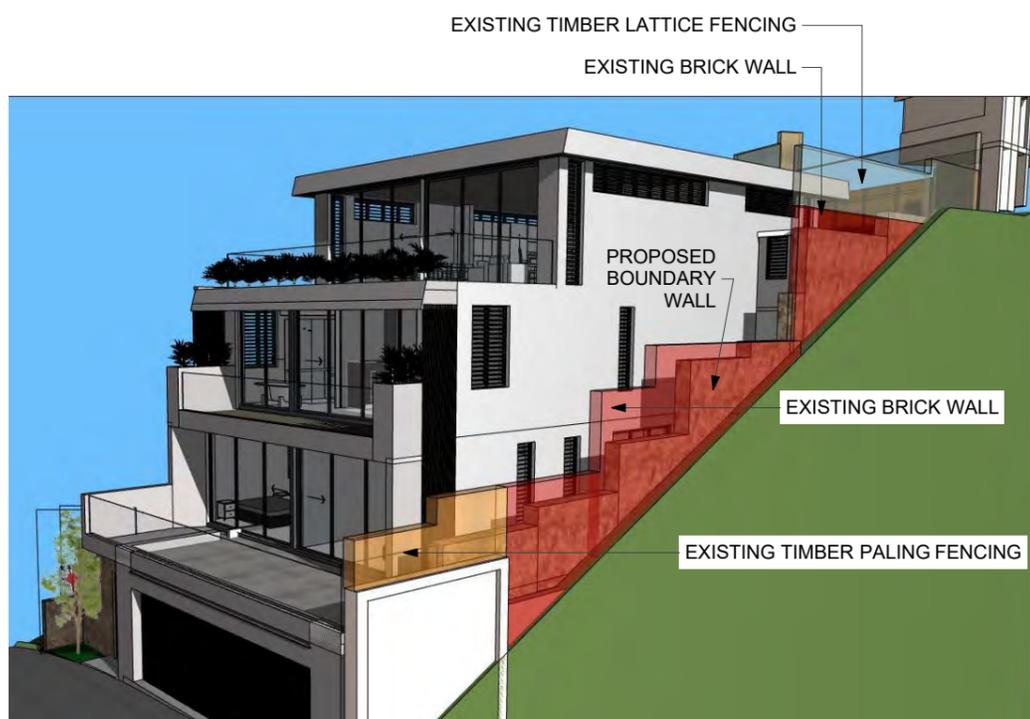


Existing boundary fencing REAR

EXISTING TIMBER LATTICE FENCING



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue



Existing boundary fencing EAST



Existing boundary fencing EAST Setback



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Client

Li

Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:

EXISTING BOUNDARY FENCING

1:200 1:100 1:50 1 METRE INCREMENTS

Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No.

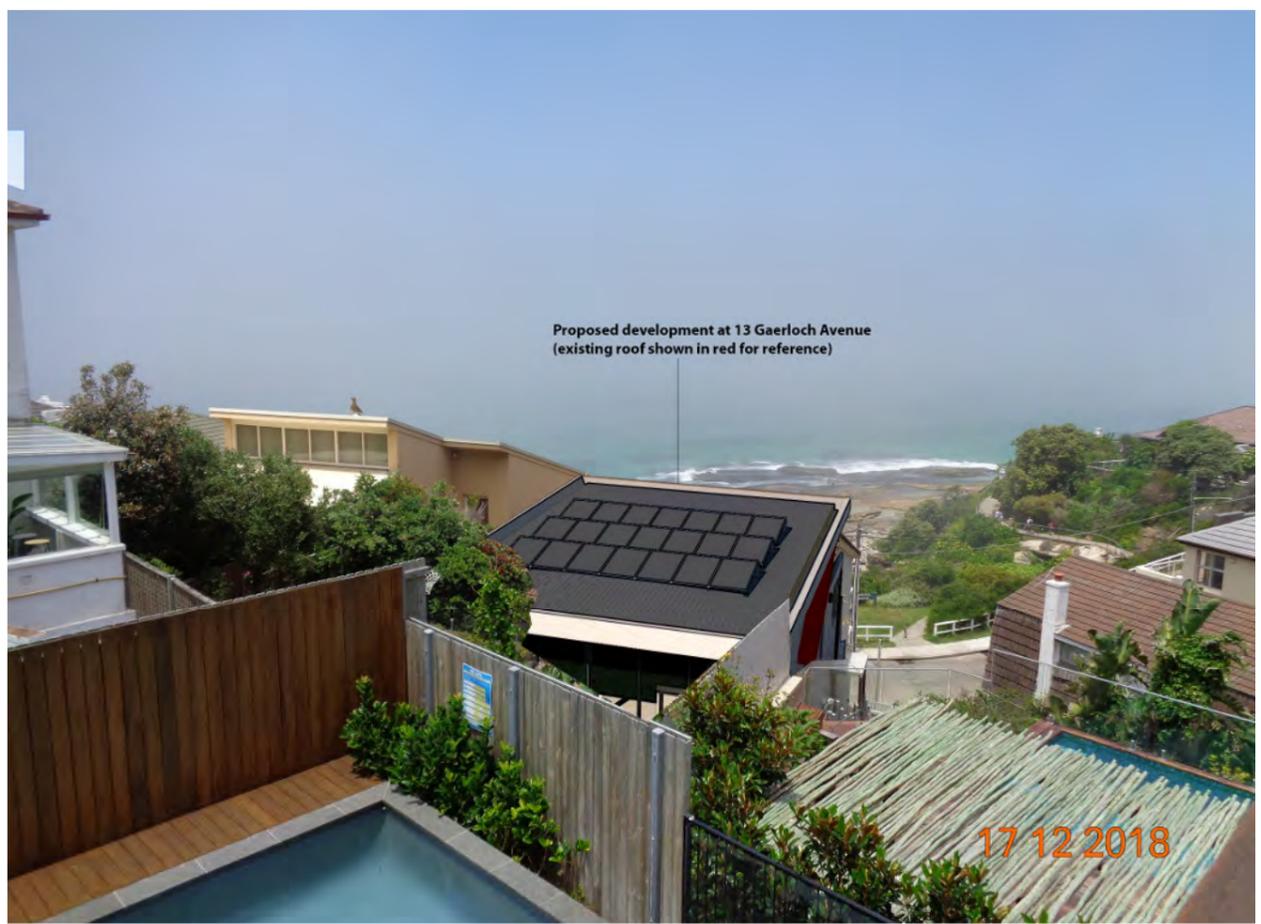
Checked: AS/DRB **Li-17**

Plot Date: Wednesday 6 March 2019

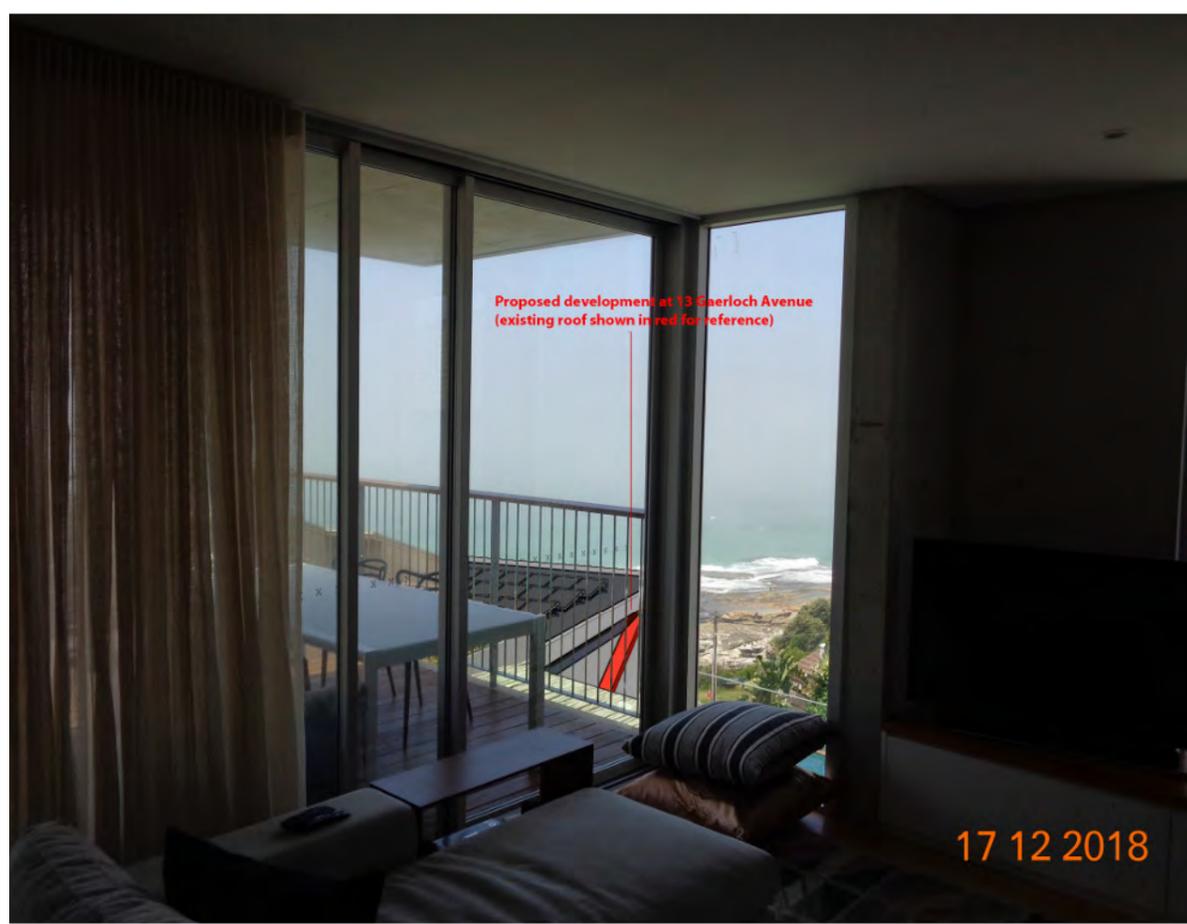
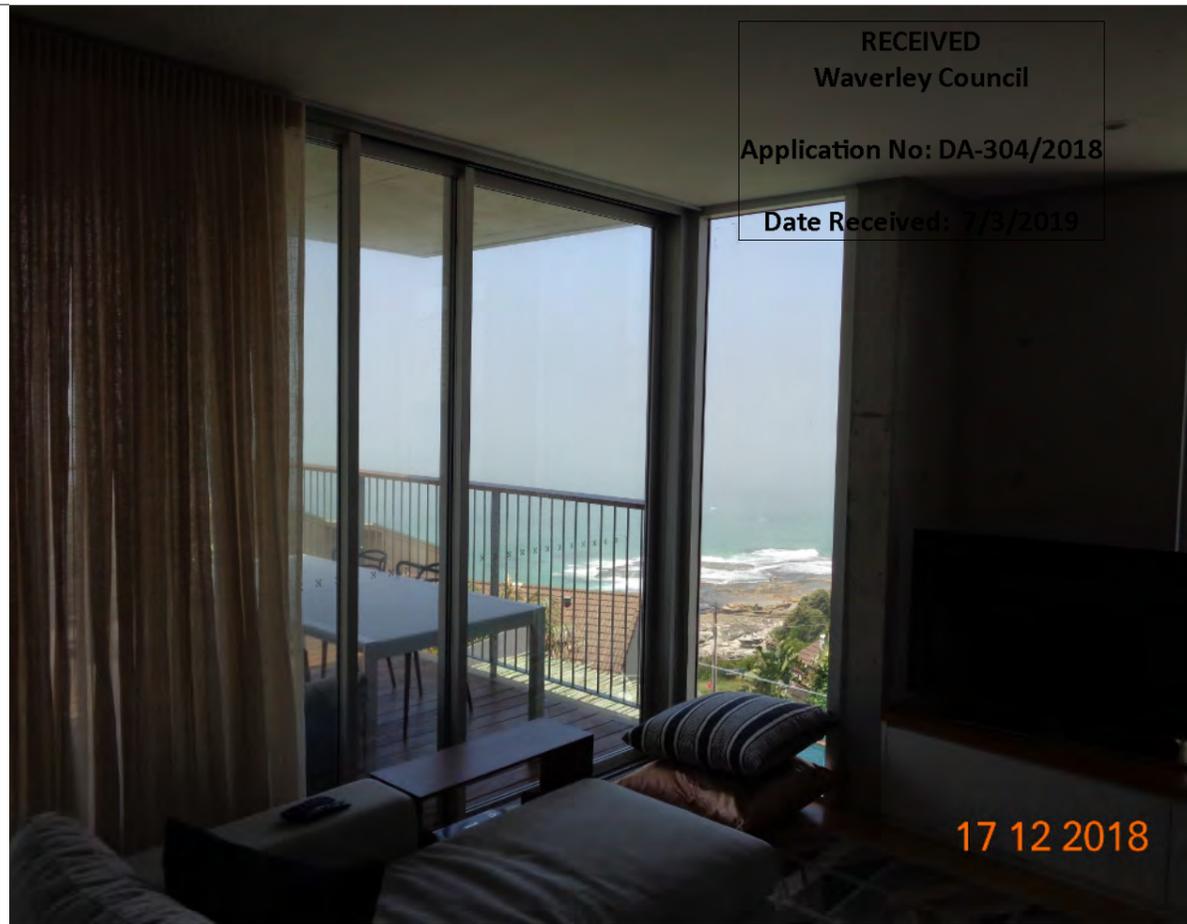
B

223

AMENDED PLANS



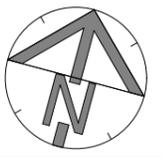
CSA - Unit 3 28 Dellview_Balcony 1:1



CSA - Unit 3 28 Dellview_Living 1:1

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Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019

LOWER IMAGES SHOW APPROXIMATE IMPACT OF PROPOSED DEVELOPMENT



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS

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Client
Li
Project

NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA

Status:
DEVELOPMENT APPLICATION

Drawing Title:
VIEW ANALYSIS 1

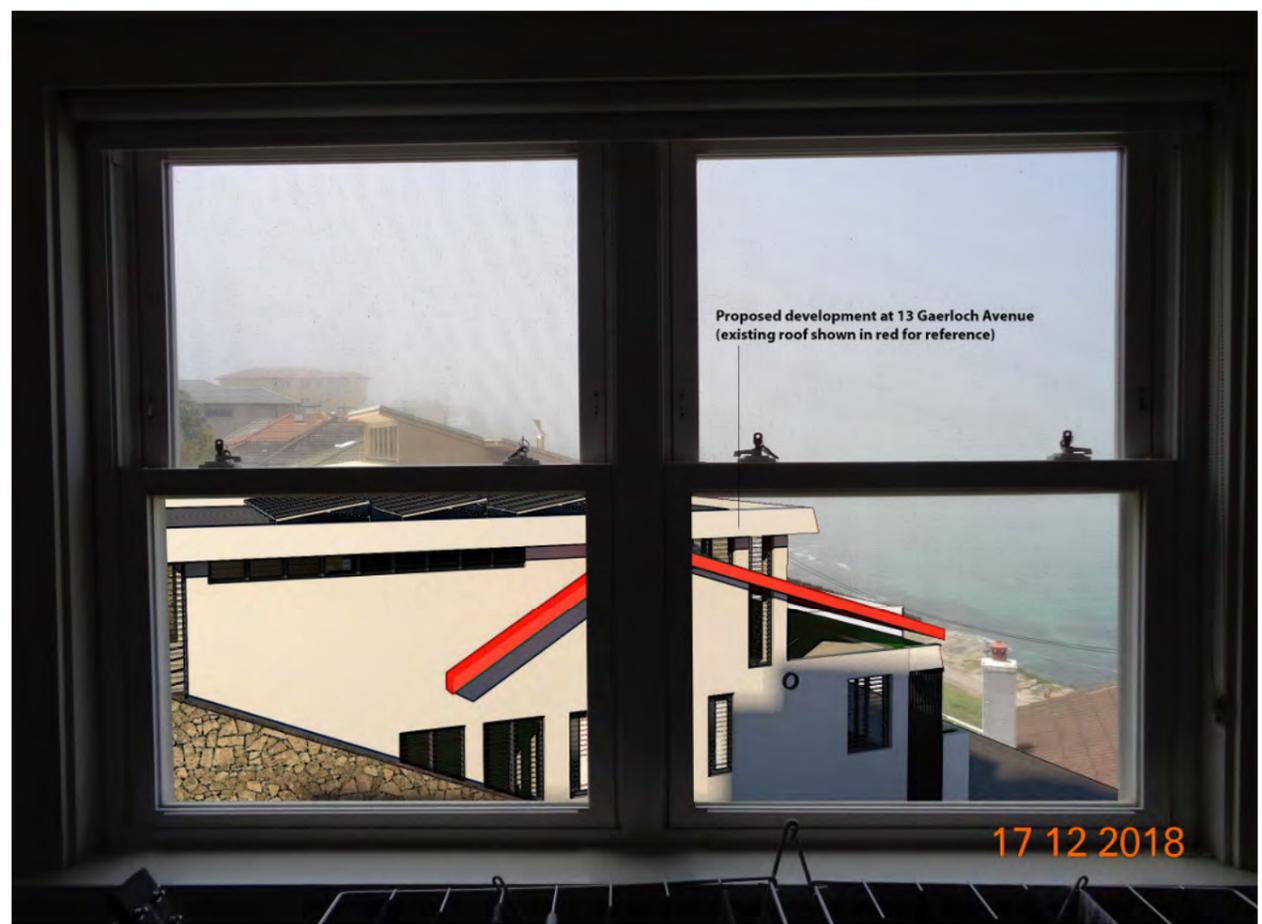
Scale: 1:200 1:100 1:50 1 METRE INCREMENTS

Scale: 1:100 U.N.O Date: 25 MAY 2018

Drawn: AS Sheet No. **Li-18** Rev. **B**

Checked: AS/DRB Plot Date: Wednesday 6 March 2019

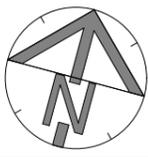
AMENDED PLANS



CSA - Unit 3 32 Dellview_Study

RECEIVED
Waverley Council
Application No: DA-304/2018
Date Received: 7/3/2019

LOWER IMAGE SHOWS APPROXIMATE IMPACT OF PROPOSED DEVELOPMENT



Revision	Date	Description
B	19/02/19	Amended DA issue - height reduced & various
A	11/07/18	DA issue

CSA ARCHITECTS

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Nominated Architect: Alex Smith Reg #5473 - alex@csa-arch.com.au
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Client
Li
Project
**NEW RESIDENCE
13 GAERLOCH AVENUE
TAMARAMA**

Status:
DEVELOPMENT APPLICATION

Drawing Title:
VIEW ANALYSIS 2

1:200 1:100 1:50 1 METRE INCREMENTS

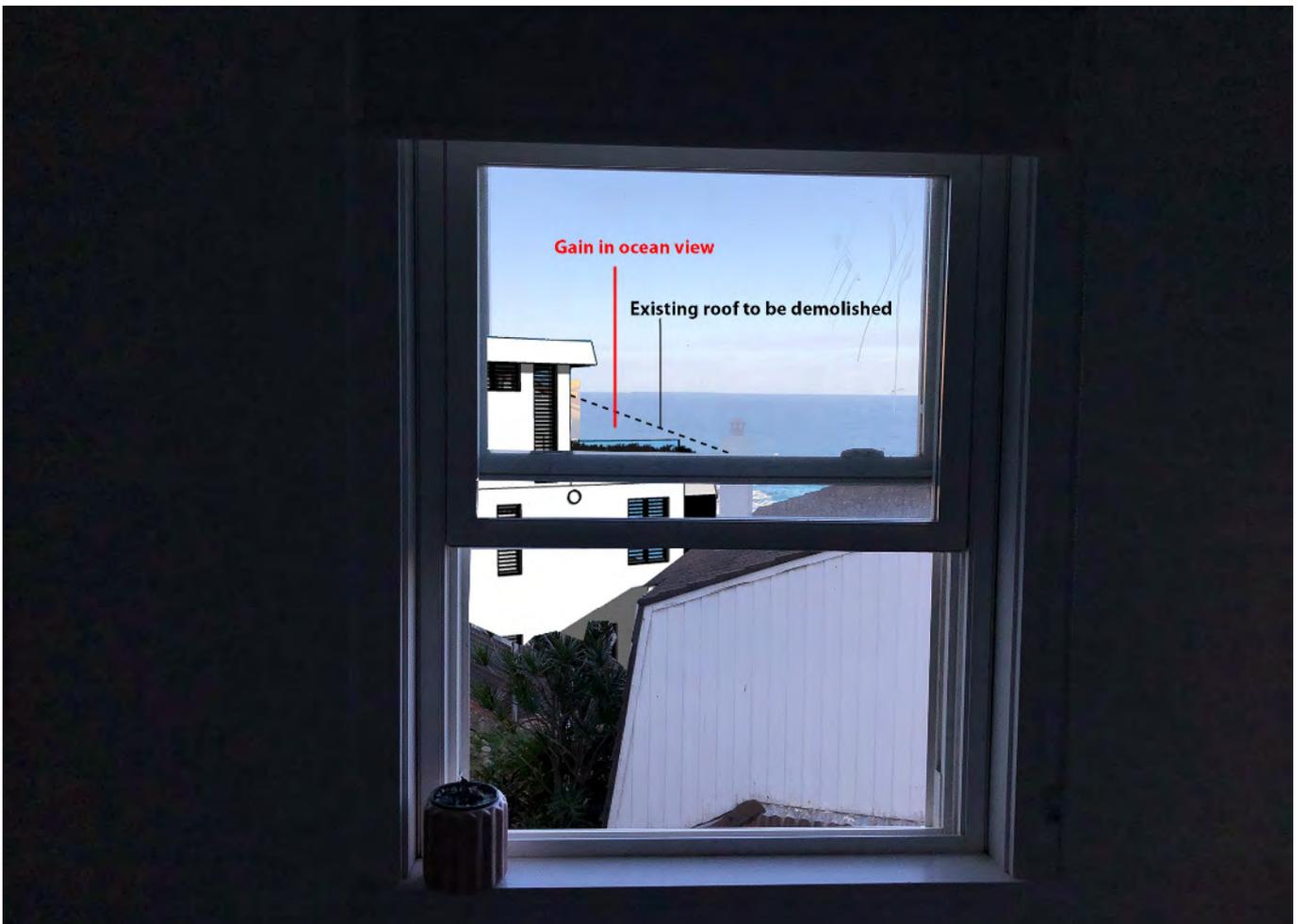
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Drawn: AS Sheet No. **Li-19** Rev. **B**

Checked: AS/DRB Plot Date: Wednesday 6 March 2019





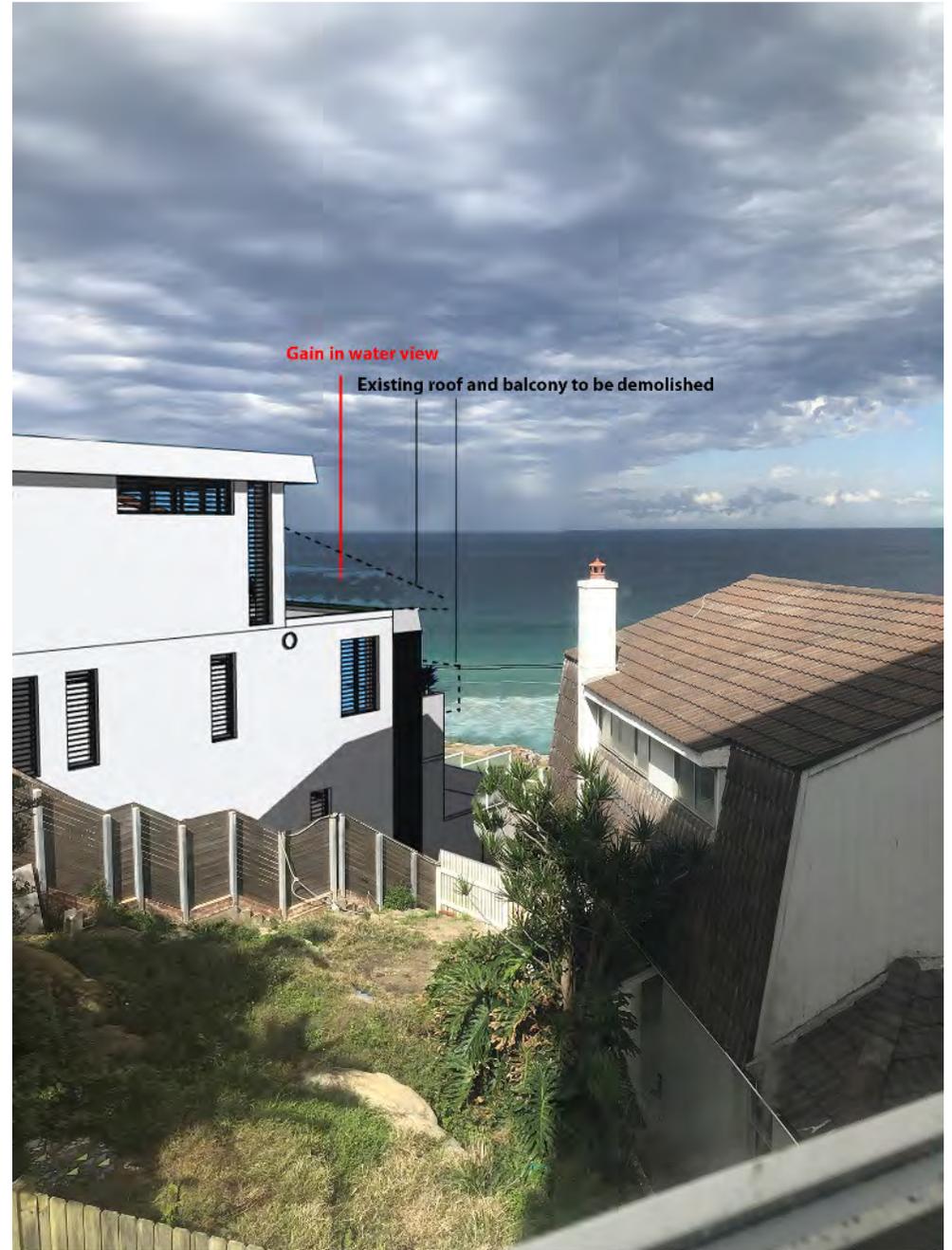


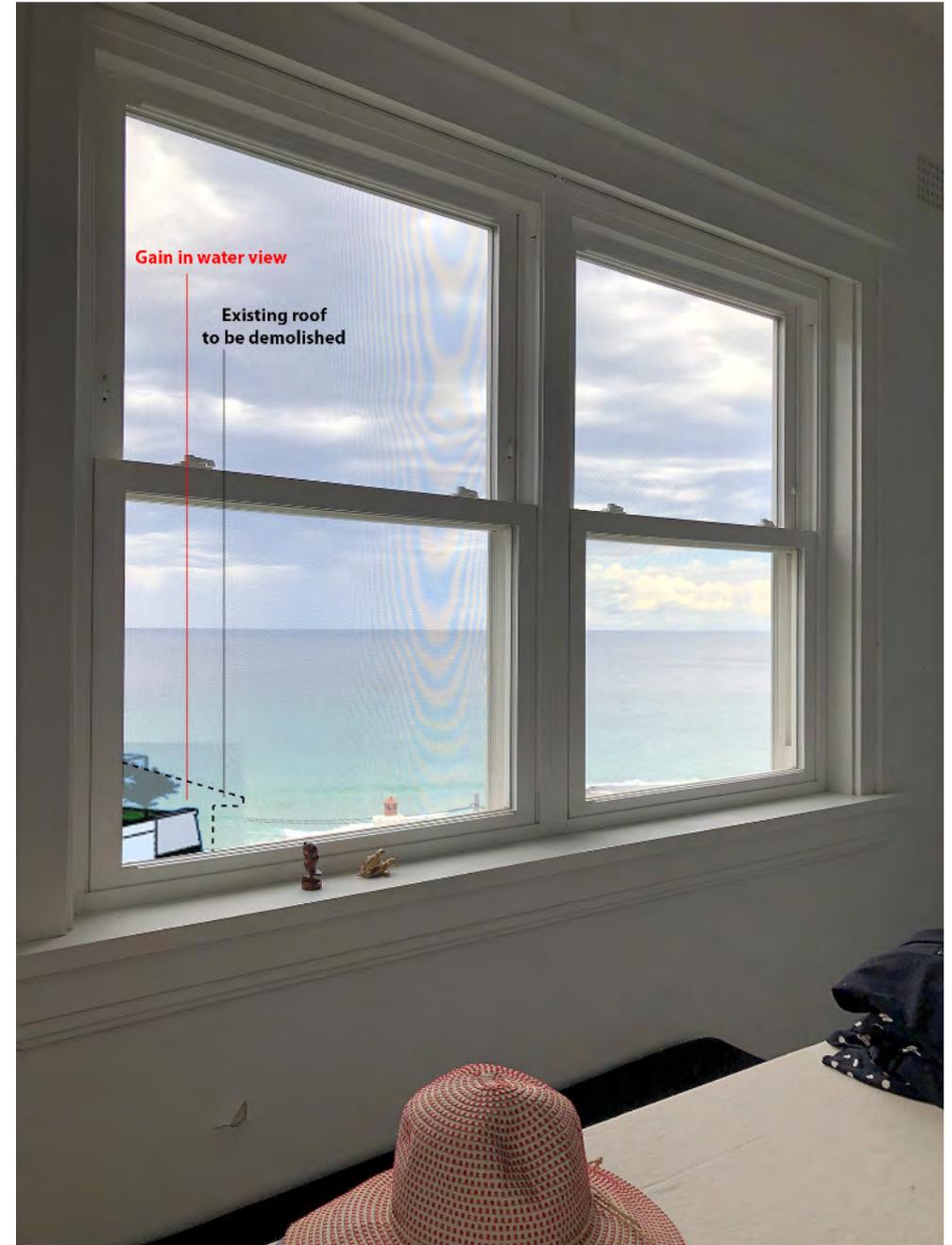


Unit 2/32 Dellview St - Living sitting

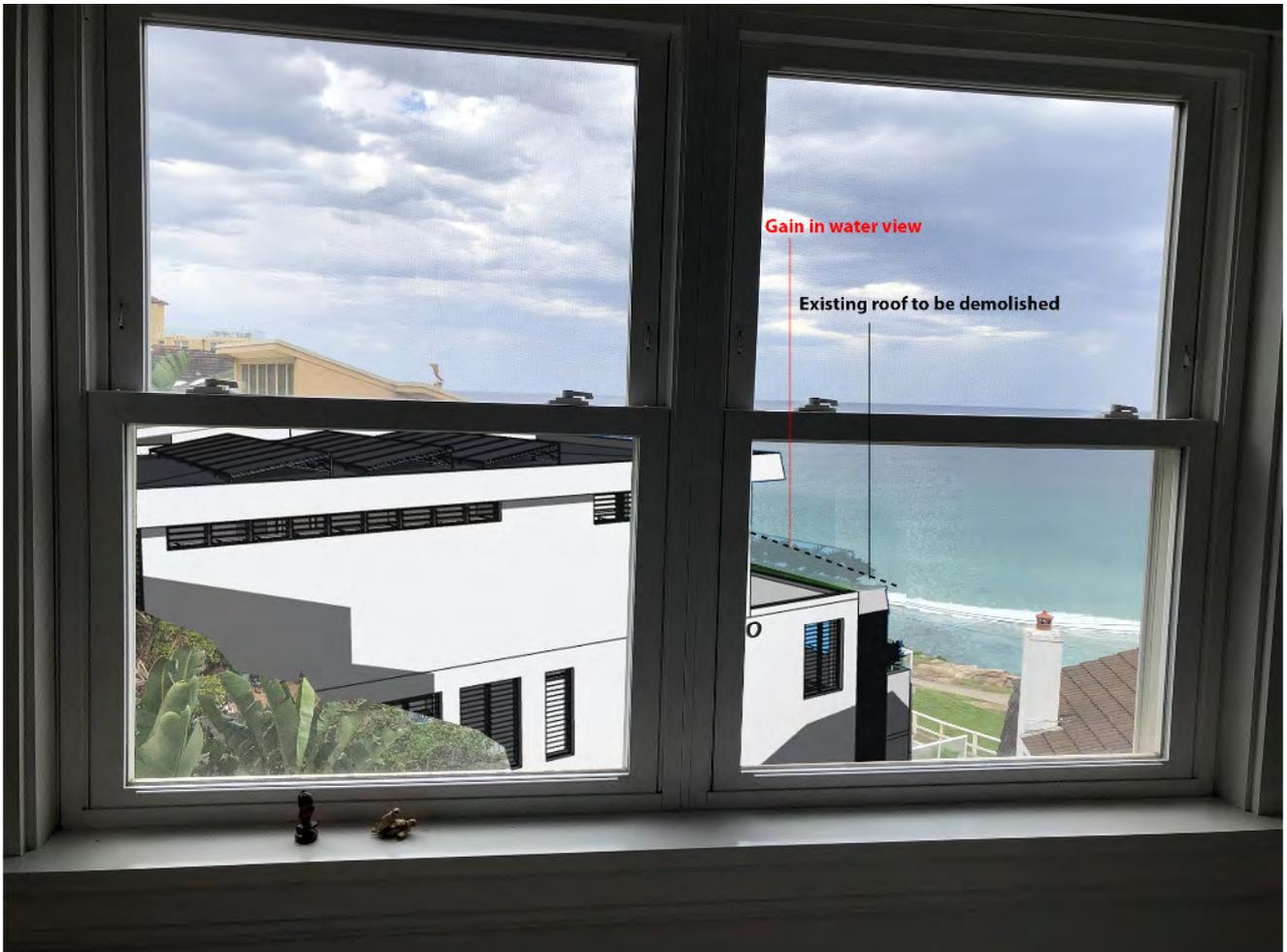


Unit 2/32 Dellview St - Living standing





Unit 4/32 Dellview St - Dining sitting



Unit 4/32 Dellview St - Dining standing



15 Dellview St - Study sitting



Report to the Waverley Local Planning Panel

Application number	DA-348/2018
Site address	66 Fletcher Street, BONDI NSW 2026
Proposal	Significant alterations and additions including conversion of a residential flat building into a single dwelling
Date of lodgement	26-Sep-2018
Owner	Proprietors of Strata Plan 12430
Applicant	Sarafin Pty Limited
Submissions	Nil
Cost of works	\$1,058,588.38
Issues	FSR, building height, side setbacks, structural integrity of existing building
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 1 February 2019.

The site is identified as SP12430, known as 66 Fletcher Street Bondi. The site is rectangular at the front with a splayed rear boundary to the Bondi Coastal Walk. The site has a northern boundary measuring 43.82m, eastern boundary measuring 12.225m, southern boundary measuring 36.455m and western boundary measuring 9.755m. The site has an area of 391.54m² and falls from the street frontage towards the north facing rear yard by approximately 6.5m.

The site is occupied by a multi-storey residential flat building containing 8 units that are strata-subdivided. The site does not have any existing car parking.

The subject site is adjoined by multi-storey residential flat buildings on both sides. The locality is characterised by a variety of residential developments including multi-storey dwellings and residential flat buildings.



Figure 1: Site frontage viewed from apartment balcony at 91 Fletcher Street.



Figure 2: Rear of site viewed from the Bondi Coastal Walk.

Relevant History

A search of Council Building and Development records revealed the following applications associated with the site:

BA-489/1994, replacement of rear deck to level 3 approved 1 July 2002.

No other records were identified in Council's Building and Development records.

Subject application:

The subject applicant was deferred on 8 March 2019 seeking additional information relating to:

- Structural Engineer Report – due to the scope of works, confirmation from a Structural Engineer was sought certifying that the proposed walls and flooring are capable of being constructed and specifically, that the external walls can be maintained.
- Scope of works – clarification that the works are 'alterations and additions' in lieu of 'new dwelling house' having regard to recent caselaw.

Additional information was received on 26 March satisfying the above matters.

1.2 Proposal

The amended proposal is for alterations and additions to an existing residential flat building including conversion of 8 units into a single multi-storey dwelling.

Further details include:

- Conversion of 8 strata subdivided units into a single dwelling;
- A new car stacker in the front yard area to accommodate 2 cars in the form of subterranean parking with the presentation of a landscaped front yard area when closed.

- A new lift through the building.
- Alterations at the basement level:
 - Additional excavation under the building to convert an existing sub floor storage area into rooms for plant, a gym, W/C and rumpus
- Alterations at the lower ground floor level:
 - Conversion of units 1 and 2 into bedrooms and a laundry
 - Small balconies are proposed to the north façade facing Bondi Beach
- Alterations at the ground floor level:
 - Conversion of units 3 and 4 into a master bedroom suite
 - Small balconies are proposed to the north façade facing Bondi Beach
 - Conversion of units 5 and 6 into a living area with library
- Alterations at level 1:
 - Conversion of units 7 and 8 into an open plan kitchen, living and dining area
 - A minor extension to the rear is proposed at this level along with a partly covered loggia, reducing the extent of the existing outdoor terrace
- The deletion of level 2:
 - The upper floor of unit 8 is deleted altogether. A limited amount of the volume of this floor is utilised as high ceilings to level 1 below.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is wholly located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP.

Clause 13 states that development within the coastal environment area, must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration	Compliance
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposal is not expected to cause any changes to the natural environment.
(b) coastal environmental values and natural coastal processes,	The proposal is not expected to cause any changes to the natural environmental values and processes.
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The water quality will not be affected by the proposal.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposal is not expected to impact on marine vegetation and habitats as the works will be completed entirely within the site.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No public access ways will be affected by the proposal.
(f) Aboriginal cultural heritage, practices and places,	N/A
(g) the use of the surf zone.	There will be no impact to the use of the surf zone.

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration	Compliance
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No public access ways will be affected by the proposal.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The dwelling is orientated south to north with the public foreshore located to the north of the site. The proposed alterations will be within the existing building envelope except for a minor extension to the rear of level which is not expected result in any additional overshadowing impacts to the public space. Views will be retained through the existing side

Matters for consideration	Compliance
	setbacks of the building and no further wind funnelling is expected.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity from the coastal use area is not affected.
(iv) Aboriginal cultural heritage, practices and places,	N/A
(v) cultural and built environment heritage, and	N/A

(b) has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration	Compliance
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The proposal is not expected to result in any adverse impacts to the coastal use area.

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposal will not impact on the surrounding coastal area or built environment and the scale and appearance of the development is in keeping with the street.

Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards.

The proposed development is not likely to increase the risk of coastal hazards on that land or surrounding land.

2.1.4 SEPP (Affordable Rental Housing) 2009

The existing building is strata subdivided into 8 lots and therefore under Section 49(2)(a) of the SEPP the *retention of existing affordable rental housing* requirements do not apply.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Zone	Yes	The proposal is defined as a dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	Existing Residential Flat Building - 9.5m

Provision	Compliance	Comment
		Proposed Dwelling - 10.577m Variation of 1.077m or 11.34%
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • Max 0.675:1 (263.89m²) • Total site area: 391m² 	No	Existing Residential Flat Building: 1.13:1 (440.46m ²) Variation of 176.6m ² or 67% Proposed Dwelling: 1.30:1 (508.6m ²) Variation of 244.71m ² or 92% The applicant notes that the significant increase in the total floor space is due to the change of use from a residential flat building to a dwelling and the exclusion/inclusion of common floor areas. Further details provided below the table.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	NA	The site is not listed as a heritage item and is not located within a heritage conservation area. The Coastal Walk at the rear of the site forms part of a conservation area and the works to the building towards the rear are minimal (small balconies only) and have no impact on the significance of the conservation area.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is not affected by acid sulfate soils.
6.2 Earthworks	Yes	The proposal includes earthworks in the form of additional excavation inside the existing building envelope. The earthworks will not have a detrimental impact on adjoining properties and will not be discernible from the street, public domain or adjoining properties. A geotechnical report accompanies the application.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.577m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by variation of 1.077m or 11.34%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- There is an existing building on the site that marginally breaches the height development standard. The proposal is to remove the top level of the existing building, allowing an increase to the amenity of the floor below through the provision of higher ceilings, as well as a 2.445m extension towards the north at the new top level. It is the parapet wall and awning from this extension that breaches the height standard as the ground level of the site falls away. Overall, the renovated building is actually lower than the current building.
- The variation is caused predominantly by architectural details (not floor space) in the form of a parapet wall, awning and a small section of the vaulted central window running along the spine of the building. The limited and marginal non-compliance has no material impact upon adjoining properties and is a reasonable response given the context of the site.
- The additions have been specifically sculpted to ensure there are no material impacts upon the environmental amenity of the neighbouring properties in relation to views, solar access, visual bulk or privacy. The proposal is a polite renovation of the existing building where bulk is being removed at the top level and a sensitive extension is proposed to the new top floor for a length of 2.445m. The length of the extension has been calculated following an extensive study of its impacts to adjoining properties.
- There is no impact on public spaces as a result of the height breach as it will be indiscernible from the Coastal Walk or Fletcher Street. From further away, the building will appear smaller than the current building.
- The top RL of the building is proposed to be lower than the current building and as a result it will appear lower in its setting. Despite this, given the topography of the site, the 'maximum height' is greater by definition as the land falls to the rear. The building remains one of two significantly smaller buildings in a context of over-scaled 3-6 storey buildings sharing the northern stretch of Fletcher Street.
- The non-compliance with the height standard continues to provide a building that is compatible with the height, bulk and scale of the desired future character of the locality. As with all buildings along this section of Fletcher Street, it presents lower to the street and larger at the rear as the site falls. This character would continue if the street were redeveloped in accordance with the controls, representing the future desired character of this headland. This particular building is two storeys to the street, well below the height limit, appears as two storeys out of the ground for most of the site, and is three storeys at the rear yard.
- Strict compliance with the development standard would be unnecessary as the proposed additions meet the objectives of the zone and the development standard. Strict compliance would not significantly alter the appearance, scale, bulk, or character of the development but it would unnecessarily hinder an improved amenity to the new uppermost floor and affect the architectural integrity of the design, with no benefit to the adjoining properties or the public domain.

- Strict compliance with the development standard in is not reasonable and is unnecessary, as the non-compliance is a numerical outcome with no relevance to the impacts associated with the development or the scale of the building.
- Strict compliance is unnecessary as the objectives of the zone and the development standard are met despite the non-compliance, and in this particular case, the removal of level 2 to provide for an improved level 1 amenity provides a balanced response to the site and the controls.
- The non-compliance does not cause unreasonable overshadowing, view loss, privacy or visual bulk impacts upon the adjoining properties and has no unreasonable impact on the streetscape or locality.
- The environment planning grounds justifying the variation are:
 - The scale of the building is less than all of its surrounding neighbours and its overall actual height is being reduced
 - The scale of the building is consistent with the desired future character of this area, being visually a part 2 / part 3 storey building when viewed from the street or Coastal Walk
 - The reconfigured top floor, following the removal of the existing uppermost floor, provides for improved amenity to the dwelling
 - That despite the non-compliance, the building satisfies the objectives of the development standard and the zone.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

The objectives of the height of building development standard are to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The proposal presents as a compliant two-storey building when viewed from Fletcher Street and a three-storey building (by tapering down with slope) when viewed from the Bondi Coastal Walk which is consistent with the streetscape character of Fletcher Street and compatible with the height, bulk and scale of other two to three storey development within the immediate vicinity.

As demonstrated in the images below, due to the steep sloping nature of the site the proposal results in a partial non-compliant height at the rear of level 2 which is not visible from a standing position at the front or rear of the property.



Figure 3: An extract from the applicant’s Clause 4.6 justification documentation demonstrating the compliant height plane shown in red and the exceedance in height only relates to a small section in the centre of the dwelling (that is protruding above the red height plane).

Figure 3 demonstrates the compliant height plane highlighted in red. The non-compliant components are related to the awning, parapet and a limited section of the central portion of the roof.

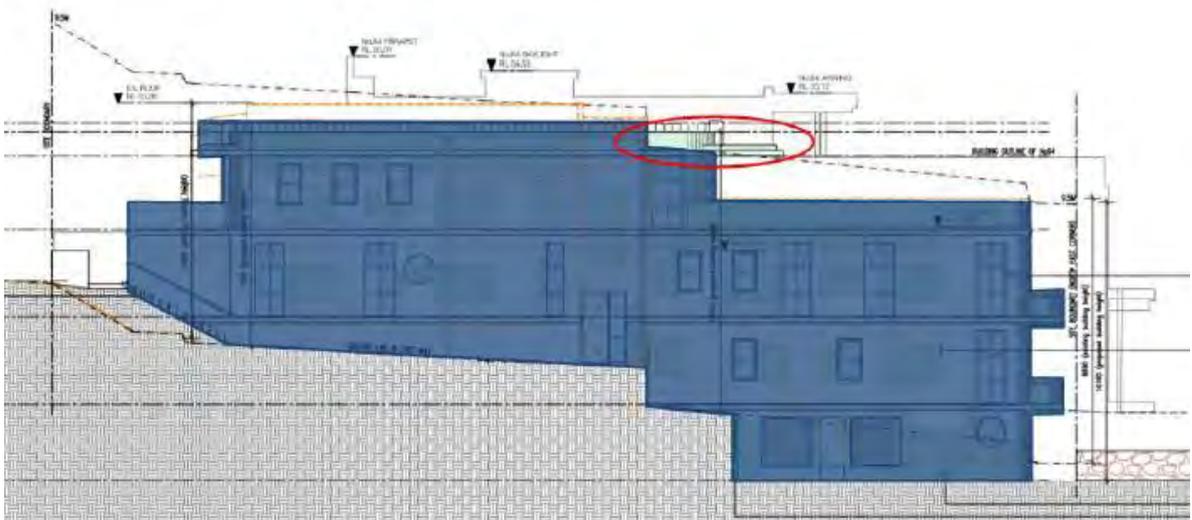


Figure 4: An extract of the Eastern Elevation demonstrating the non-compliant portion of the building.

Figure 4 illustrates the proposed eastern elevation with the compliant portion of the building shaded in blue. The non-compliant part of the building has been circled in red.

The applicant has demonstrated that the height of building development standard is unreasonable and unnecessary in this case as the non-compliant part of the building is considered negligible and the proposed dwelling will be largely contained within the existing building envelope. The proposal is compatible with the desired future character of the street that being two (2) to three (3) storey

buildings with a height limit of 9.5m, and will not result in adverse impacts to the environmental amenity of neighbouring properties, public spaces or views from a public or private domain.

The arguments presented in the written request to vary the height of building development standard are generally well-founded and the extent of the minor height breach of the development standard is considered reasonable and justified.

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard

The applicant has demonstrated sufficient environmental planning grounds to justify contravening the development standard as the non-compliant section of the dwelling is caused predominantly by architectural details in the form of a parapet wall, awning and window to the midsection of the building. The non-compliant section of the building is not visible from Fletcher Street, does not impact on the views of adjoining properties, does not result in unreasonable overshadowing impacts and is compatible with the adjoining property no's 66 and 68 Fletcher Street that comprise of similar or larger scale buildings.

Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

The applicant's written request is considered to have adequately addressed the matters required under subclause 3 and the variation to the height of building development standard is supported.

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposal is in the public interest as it is consistent with the objectives of the height of building development standard and R3 Medium Density Residential zone in that it provides a part two part three-storey dwelling which is compatible with the existing size and scale of residential developments within Fletcher Street comprising multi-storey dwellings and residential flat buildings. While it is not ideal to convert a residential flat building into a single dwelling based on density of scale elements, the controls do allow for this type of development. The proposal will not affect the use of the Coastal Walk and is in keeping with the emerging and desired future character of the locality.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 1.30:1, which exceeds the floor space ratio development standard of 0.675:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 244.71m² in gross floor area or 92%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- There is an existing building on the site that breaches the FSR development standard, having 440.5m² of GFA, with an FSR of 1.13:1. The FSR calculations are not comparable as the existing use as a residential flat building (RFB) allows for greater exclusions from the GFA calculations compared to the proposed use as a dwelling (eg, the common stairs are excluded in the definitions for RFBs but not dwellings).
- The proposal is to retain the existing building on the site, maintaining its side setbacks throughout, increasing the front setback (reducing floor space), deleting a level (reducing

floor space) and providing a 17m² extension to the rear of level 1 and utilising the sub floor area as a basement new level providing 96.8m² of calculable floor area. If the same calculation methods were applied to the existing and proposed GFA, the increase at Level 1 is only 4.75m² of actual 'floor area'.

- The large numerical variation is caused predominantly by an increased utilisation of the sub floor area of the building, being previously non-calculable floor space, for the purposes of a gym, w/c and rumpus area.
- The proposal remains predominantly under the height control with a minor exceedance at the rear of the site that is reasonable and acceptable. The existing built form remains largely unchanged from a volumetric perspective, with only a modest extension of the first floor introducing any additional bulk. In all other respects, the side setbacks are maintained, the front setback is increased, and the top floor of the building is being removed.
- The correlation between the FSR and Height controls for this site are askew due to the topography of the land and the opportunity for adaptive reuse of an existing sub floor area for amenities that becomes calculable floor space despite having no externalised impact. The conversion of the basement accounts for 96.8m² (95%) of the total requested additional floor area. The other 4.75m² (5%) is attributable to the extension and shifting of level 1.
- The top RL of the building is proposed to be lower than the current building and will appear lower in its setting, although given the topography of the site the 'maximum height' is greater by definition as level 1 shifts toward the rear and the adjacent land falls. The building remains one of two significantly smaller buildings in a context of over-scaled 3-6 storey buildings sharing the northern stretch of Fletcher Street.
- The scale of the building on the site is essentially unchanged by the proposal despite the non-compliance with the standard. From most viewpoints the building will actually appear smaller than the existing building on the site.
- The desired future character as envisaged by the DCP controls is for modest 2 to 3 storey buildings that are predominantly residential in nature. The proposal is consistent with this character, especially when viewed from Fletcher Street. The excess calculable floor space in the lower levels of the building, as compared to the existing building, improves the sites contribution to its setting and provides a modest 2-3 storey built form.
- The additions have been specifically sculpted to ensure there are no material impacts upon the environmental amenity of the neighbouring properties in relation to views, solar access, visual bulk or privacy. There are no impacts upon the amenity of the locality attributable to the non-compliance.

Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

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

The proposal results in a significant variation to the floor space ratio development standard primarily due to the existing floor space of the residential flat building and the proposed change of use to a

dwelling house. The existing residential flat building on the site breaches the floor space ratio development standard by 1.13:1 having a total floor area of 440.5m² which excludes common areas and the basement level. The proposal seeks a floor space ratio of 1.30:1 equating to a total floor area of 508.6m² which includes the existing common areas, basement level (conversion to habitable space) and a minor extension to level 1. As mentioned in the Clause 4.6 documentation, the method of calculating floor space ratios varies for each type of residential use where the existing use as a residential flat building has enabled greater exclusions from the gross floor area calculations. A comparison of the floor space calculations between the existing residential flat building and proposed dwelling house has been provided in the table below.

Table 2: Floor space calculations of existing residential flat building and proposed dwelling house.

Floor level	Existing residential flat building	Proposed dwelling house	Variation comments
Basement level	Non-habitable space	96.8m ²	Due to conversion to habitable space and additional excavation which does not alter the external building envelope.
Lower ground floor	98m ²	118.1m ²	Due to conversion of communal area to habitable space and minor extension which does not alter the external building envelope.
Ground floor level	194.5m ²	190.7m ²	Minor reduction in floor space due to new stairs and lift access.
Level 1	98.5m ²	103m ²	Due to minor extension to the rear of the first floor level which does not result in adverse impacts to neighbouring properties.
Level 2	55.5m ²	0	Level 2 has been deleted.
Total	446.5m²	508.6m²	Additional floor space due to greater floor space exclusions for RFB and minor extensions to dwelling.

The proposed additional floor space is considered reasonable to construct a part two part three storey dwelling house as the proposal is largely contained within the existing building envelope and predominantly under the height of building development control. The bulk and scale of the building is compatible with the existing and emerging character of Fletcher Street and is not expected to result in adverse impacts to the environmental amenity of adjoining properties.

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard

The proposal is consistent with the objectives of the floor space ratio development standard as the environmental amenity of adjoining properties and locality will be maintained. The building has a compatible height, bulk and scale with the emerging and desired future character of the street. Therefore, the applicant has demonstrated sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4)(a)(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

The applicant’s written request is considered to have adequately addressed the matters required under subclause 3 and the variation to the floor space ratio development standard is supported.

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is consistent with the objectives of the floor space ratio development standard, as discussed above. The development is also consistent with the objectives of the R3 Medium Density Residential zone providing housing in a form that is compatible with the existing development and desired future character of the street. Accordingly, the proposal is considered to be in the public interest and the variation is supported.

2.1.6 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The SWRMP provided with the application demonstrates compliance with waste controls of the DCP. The waste bins for the new dwelling house will be stored at the western boundary away from windows and entertaining areas of the subject dwelling and adjoining property.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate demonstrating compliance with State regulated energy efficiency and water conservation targets.
3. Biodiversity	No (condition)	The property is located within the coastal biodiversity corridor. The application was referred to Council’s Biodiversity Officer who is not satisfied the proposal meets the requirements of the DCP. A condition will be imposed in the consent ensuring compliance in this respect. Further details provided under the Referral section of the report.
6. Stormwater	No (condition)	The stormwater plans were referred to Council’s Stormwater Engineer who is not satisfied the proposed stormwater details meet the requirements of the DCP. A condition will be imposed in the consent. Further details provided under the Referral section of the report.

Development Control	Compliance	Comment
8. Transport	No (acceptable on merit)	The application proposes a car stacker that will be located forward of the front building line which is not consistent with urban design controls however the car stacker will be concealed underground and provides a sufficient setback to the front boundary line. The car stacker will not detract from the principal dwelling as it is not visible from any aspect. The car stacker is supported in this instance.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No (acceptable)	The proposal results in a maximum wall height of 10.25m as a result of architectural detailing to the extension of level 1 which has been discussed and addressed in detail under the Exceptions to Development Standards section of the report. The breach in height is considered reasonable as it is not out of context with the bulk and scale of the streetscape and does not impact the environmental amenity of adjoining properties.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p><u>Front building line</u> The application proposes to increase the front setback which is considered acceptable as there is no predominant front building alignment along the northern side of Fletcher Street.</p> <p><u>Basement level</u> There are no changes proposed to the existing rear building line at the basement level.</p> <p><u>Lower ground floor level</u> There are no changes proposed to the existing rear building line at the lower ground floor level.</p> <p><u>Ground floor rear building line</u> There are no changes proposed to the existing rear building line at the ground floor level.</p> <p><u>Level 1</u> The proposed rear building line at the first floor level does not extend further than the predominant rear building line of adjoining properties.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m 	No (as existing)	The proposal maintains the existing side setbacks which is considered acceptable for

Development Control	Compliance	Comment
		alterations and additions to an existing building as it is not expected to result in any additional impacts to the amenity of adjoining properties.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The proposed excavation will not occur within 900mm of the side boundaries.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. New windows are to complement the style and proportions of the existing dwelling when viewed from the street. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal presents as a two-storey dwelling when viewed from the front comprising contemporary materials and finishes that are compatible with the emerging character of Fletcher Street.</p> <p>The new windows are domestic in scale and complement the style and proportions of the existing dwelling.</p> <p>The proposed dwelling remains mostly within the existing building envelope which is compatible with the bulk and scale of adjoining properties, therefore not expected to dominate the streetscape when viewed from the Bondi Coastal Walk or Fletcher Street.</p> <p>New landscaping and plantings are proposed at the front and rear yard which is considered an improvement to the existing landscaped area. The majority of the existing ground levels will be maintained.</p>
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p> <p>No (acceptable)</p>	<p>The proposed front fence height is 1.2m and will be comprised entirely of solid render which is compatible with the style and form of front fences within Fletcher Street.</p> <p>The proposed eastern side boundary fence is approximately 2.5m high which does not comply with fencing controls however given the topography of the site, the increase in fence height is considered reasonable towards the rear to minimise overlooking impacts.</p>

Development Control	Compliance	Comment
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	The proposed car stacker provides two (2) car spaces for a three (3) bedroom dwelling.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	No (acceptable)	The proposed car parking is forward of the front building line which is considered acceptable in this circumstance due to site constraints and preservation of the existing building envelope. The car stacker will be located underground accessed via Fletcher Street. The car stacker will not dominate the site frontage and will be screened with landscaping.
1.11.3 Design	Yes	The car parking has been designed to preserve the appearance of the front façade of the dwelling by integrating an underground car stacker. The residential dwelling remains the primary feature of the site and the front setback will contain adequate landscaping.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The car stacker has been designed in accordance with B85 vehicle requirements.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	One driveway is proposed.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	<ul style="list-style-type: none"> The proposal increases the overall open space to 33.8% which is considered an improvement to the existing layout. The proposed overall landscaped area is 17.5%. The site provides over 25m² of private open space. The existing front open space is retained at 100%. The front setback will comprise approximately 50% of landscaped area.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

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

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

An internal referral was sought from Council’s Traffic Engineer who is satisfied the proposal meets the requirements for car parking objectives and controls subject to special conditions requesting a Construction Vehicle and Pedestrian Plan of Management, long sections and adjustments to street signs.

3.2 Stormwater – Creating Waverley

An internal referral was sought from Councils Stormwater Engineer who is not satisfied the stormwater details meet the requirements of the DCP. A condition will be imposed in the consent for the applicant to amend the stormwater plans in accordance with the Waverley Council’s Water Management Technical Manual.

3.3 Biodiversity – Waverley Futures

An internal referral was sought from Council’s Biodiversity Officer who is not satisfied the proposal meets the requirements for habitat corridor objectives and controls. A condition will be imposed in the consent for the applicant to amend the landscape plan in accordance with the DCP.

4. SUMMARY

The application seeks consent for alterations and additions to the existing residential flat building to construct a part two part three storey dwelling house with an underground car stacker. The proposal is defined as a dwelling house which is permissible with consent in the R3 medium residential zone.

The application seeks to vary the height of buildings and floor space ratio development standards which is considered acceptable as the alterations and additions will be mostly contained within the existing building envelope and will not result in detrimental impacts to the environmental amenity of surrounding properties and maintains the visual amenity of the coastal use area.

The application was reviewed by Councils Stormwater Engineer, Traffic Engineer and Biodiversity Officer and recommended conditions are included in the consent.

The development proposal was notified for 14 days and received no submissions.

Accordingly, the application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Bianca Fyvie
Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 12/4/19

Date: 16/5/19

Reason for referral:

- 1
- 2
- 3 Departure from any development standard in an EPI by more than 10%
- 4

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following Architectural Plans:

Drawing no	Revision	Prepared by	Dated	Received by Council
DA-0101	C	SJB Interiors	31/08/2018	26/09/2018
DA-0102	J	SJB Interiors	20/09/2018	26/09/2018
DA-0103	J	SJB Interiors	20/09/2018	26/09/2018
DA-0201	L	SJB Interiors	13/09/2018	26/09/2018
DA-0202	N	SJB Interiors	20/09/2018	26/09/2018
DA-0501	O	SJB Interiors	20/09/2018	26/09/2018
DA-0502	P	SJB Interiors	20/09/2018	26/09/2018

(b) BASIX Certificate

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

Except where amended by the following conditions of consent.

2. APPROVED USE - DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house.

3. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

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

- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

8. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

10. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

11. LANDSCAPE PLANS

The landscape plans shall be amended to reflect the following:

- (a) Include 90% locally indigenous or locally native plant species listed in Annexure B2 – 1 of the Waverley Development Control Plan 2012 as the site is located within 25m of remnant vegetation.
- (b) The following introduced species have a strong potential to become invasive weeds therefore shall be deleted from the plant schedule: *Beaumontia grandiflora*, *Hedera helix* *Stephanotis floribunda* and *Bescheronia yuccoides*.

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

12. STORMWATER MANAGEMENT

- (a) The Plans prepared by PARTRIDGE HYDRAULIC SERVICES, Job No. 2018H0050, Drawing No. SWDA 2.1 to SWDA 2.5 (Rev P2), dated April 2018 are not satisfactory with respect to stormwater details. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details (e.g. dimensions, cross & long sections, top water level, details of orifice plate) along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

The amended stormwater details are to be submitted and approved by Council's Executive Manager, Creating Waverley prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (b) Note: Since a sewer main adjacent to the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- (c) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

13. GEOTECHNICAL ENGINEER REPORT

A Geotechnical Engineers Report is to be submitted to the appointed Principal Certifying Authority prior to the issue of the relevant construction certificate, which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

14. STRUCTURAL ENGINEER REPORT

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

15. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

The Structural Engineers Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

16. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible

for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.

- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

17. ENGINEERING DETAILS

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

18. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

19. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

20. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- a) Be drawn at a scale of 1:25
- b) Include reduced levels (RL's) of the Fletcher Street carriageway, the kerb and gutter, footpath and paving within the property and the car stacker floor.
- c) Include existing and design levels.

- d) 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.
- e) Show all paving on Council's land being sloped/ drained towards the roadway.
- f) Include a separate drawing of any adjustments required to Council's footpath area to provide suitable vehicular access to and from the car stacker.

21. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

22. LANDSCAPED SLABS

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

23. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. PRIOR TO SITE WORKS

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

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

25. HOME BUILDING ACT

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

26. CONSTRUCTION SIGNS

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

27. OBSTRUCTION TO PUBLIC AREAS

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

28. COMPLIANCE WITH safe work NSW

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

29. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

31. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) (No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

32. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

33. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

34. EXCAVATION BELOW FOOTINGS

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

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

35. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

36. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering **to Council, and possibly NSW EPA throughout construction;**
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

37. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

39. NATIONAL CONSTRUCTION CODE (NCC)

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

40. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling pool.

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

41. CERTIFICATE OF SURVEY – LEVELS

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

42. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

43. SERVICE PIPES

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

44. NEW VEHICLE CROSSING

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

45. ADJUSTMENTS TO STREET SIGNS

Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

46. SLIDING GATE OPERATION

The sliding gate at the car stacker shall remain closed and locked at all times and unlocked and opened only when a vehicle is in the process of entering onto or exiting from a platform.

47. WATER PROOFING

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

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

48. SMOKE ALARM SYSTEM

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

49. DOMESTIC HEATERS

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

50. NO WORKS BEYOND BOUNDARIES

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

51. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

52. OCCUPATION CERTIFICATE

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

53. STORMWATER MANAGEMENT

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

54. LIGHTING

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

55. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

56. STREET NUMBER/S

The termination of strata scheme of the property has lead to the following allocation of street numbers:

- No. 66 for the single dwelling.

The street number for each 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. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

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

57. SUBDIVISION

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

58. TERMINATION OF STRATA SCHEME

The termination of the Strata Scheme shall be registered on title, prior to the issue of an Occupation Certificate.

59. PARKING ON-SITE

In accordance with Council policy, parking on-site is limited to two (2) vehicles.

DEVELOPMENT APPLICATION

SJB Interiors
Level 2 490 Crown Street
Surry Hills NSW
2010 Australia
T 61 2 8319 8299

Project Number: 85786
Date: 31 AUGUST 2018

Contents:

- DA-0101 SITE PLAN
- DA-0102 EXISTING & PROPOSED GFA
- DA-0103 EXISTING & PROPOSED GFA
- DA-0104 SHADOW DIAGRAMS - PLAN SHEET 1
- DA-0105 SHADOW DIAGRAMS - PLAN SHEET 2
- DA-0106 SHADOW DIAGRAMS - ELEVATION SHEET 1
- DA-0107 SHADOW DIAGRAMS - ELEVATION SHEET 2
- DA-0201 EXISTING & PROPOSED FLOOR PLANS
- DA-0202 EXISTING & PROPOSED FLOOR PLANS
- DA-0501 EXISTING & PROPOSED ELEVATIONS
- DA-0502 EXISTING & PROPOSED ELEVATIONS

Appendices (by others):

- Stormwater Concept Plans
- Landscape
- Survey
- Photomontage

BASIX LEGEND

BASIX THERMAL COMFORT INCLUSIONS
CONCRETE SLAB ON GROUND, NO INSULATION
FLOORS
CONCRETE BETWEEN LEVELS NO INSULATION REQUIRED

EXTERNAL WALLS:
EXISTING CAVITY BRICK WALLS WITH K17 KOOLTHERM
40MM R1.5 INSULATION (INSULATION VALUE ONLY) OR
CONCRETE BLOCK WALL TO EXTERN WITH K17
KOOLTHERM 40MM R1.5 INSULATION
(INSULATION VALUE ONLY) OR EQUIVALENT
(NOTE: NO INSULATION IS REQUIRED TO SERVICE AREA
IF IT IS AN INTERNAL WALL)
EXTERNAL COLOUR: DEFAULT COLOUR MODELLED

WALLS WITH-IN DRILLINGS:
WALLS WITH-IN DRILLINGS AND INSULATION REQUIRED
CONCRETE BLOCK WALLS WITH AN R1.5 TO INTERNAL
SERVICE WALLS SHRED WITH HABITABLE AREA

WINDOWS
ALUMINIUM FRAMED DOUBLE GLAZING TO STAR 01
U-VALUE: 3.50 (EQUAL TO OR LOWER THAN)
SPAC: 6.63 (4.00)

ALUMINIUM FRAMED CLEAR PERFORMANCE GLAZING TO
ALL REMAINING WINDOWS:
U-VALUE: 3.50 (EQUAL TO OR LOWER THAN)
SPAC: 6.63 (4.00)

GLAZING COLOUR: DEFAULT COLOUR MODELLED
GLAZING COLOUR: DEFAULT COLOUR MODELLED

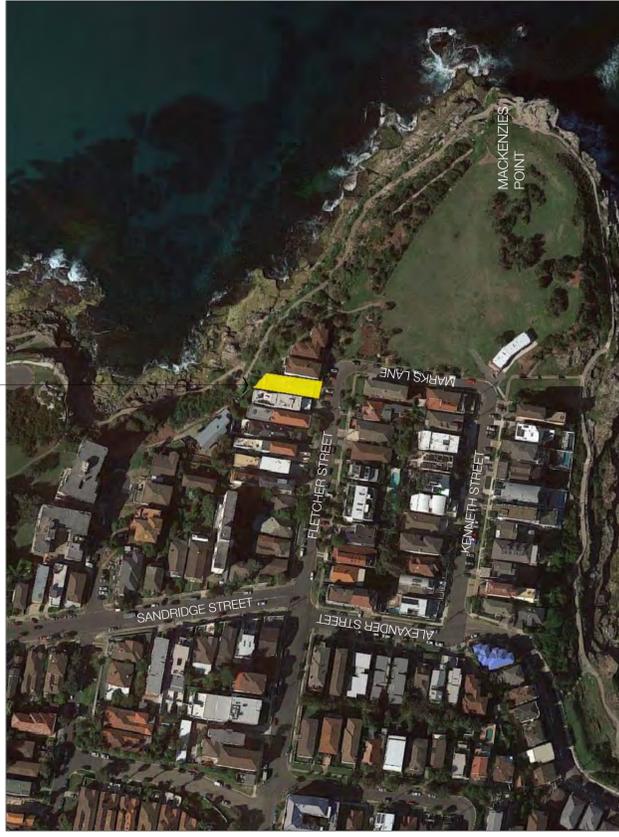
**PERMEABILITY MODELLED AS PER BASIX THERMAL
PROTOCOL - 4.14.2 AND MATTERS TECHNICAL NOTE 1.2
- 10.1.1 WITH REGARD TO RESTRICTED
PERMEABILITY MODELLED AS PER MATTERS TECHNICAL
NOTE 1.2 - 10.5
GLAZING COLOUR: DEFAULT COLOUR MODELLED
GLAZING COLOUR: DEFAULT COLOUR MODELLED
ONLY) WHERE ROOF/BALCONY IS OVER
PLASTERBOARD CEILING, WITH AN R1.5 INSULATION
(INSULATION VALUE ONLY) TO SERVICE CEILING WHERE
PERMEABILITY MODELLED AS PER MATTERS TECHNICAL
NOTE 1.2 - 10.5
INSULATION HAS BEEN ACCOUNTED FOR IN
ACCORDANCE WITH BASIX THERMAL PROTOCOL 4.13.1
AND MATTERS TECHNICAL NOTE 1.2
INSULATED SEALLED LED LIGHT FIXTURES 1/2 50W
AS PER LIGHTING PLAN NOW CONCRETE ROOF NO
INSULATION**

EXTERNAL COLOUR
DARK (S&O) FLOOR COVERINGS/DEFAULT FLOOR
COVERINGS MODELLED AS PER MATTERS TECHNICAL
NOTE 1.2 - 10.5
LANDSCAPE TREES: TILES TO SHROUDING AND
LANDSCAPE TREES ELSEWHERE BUSH

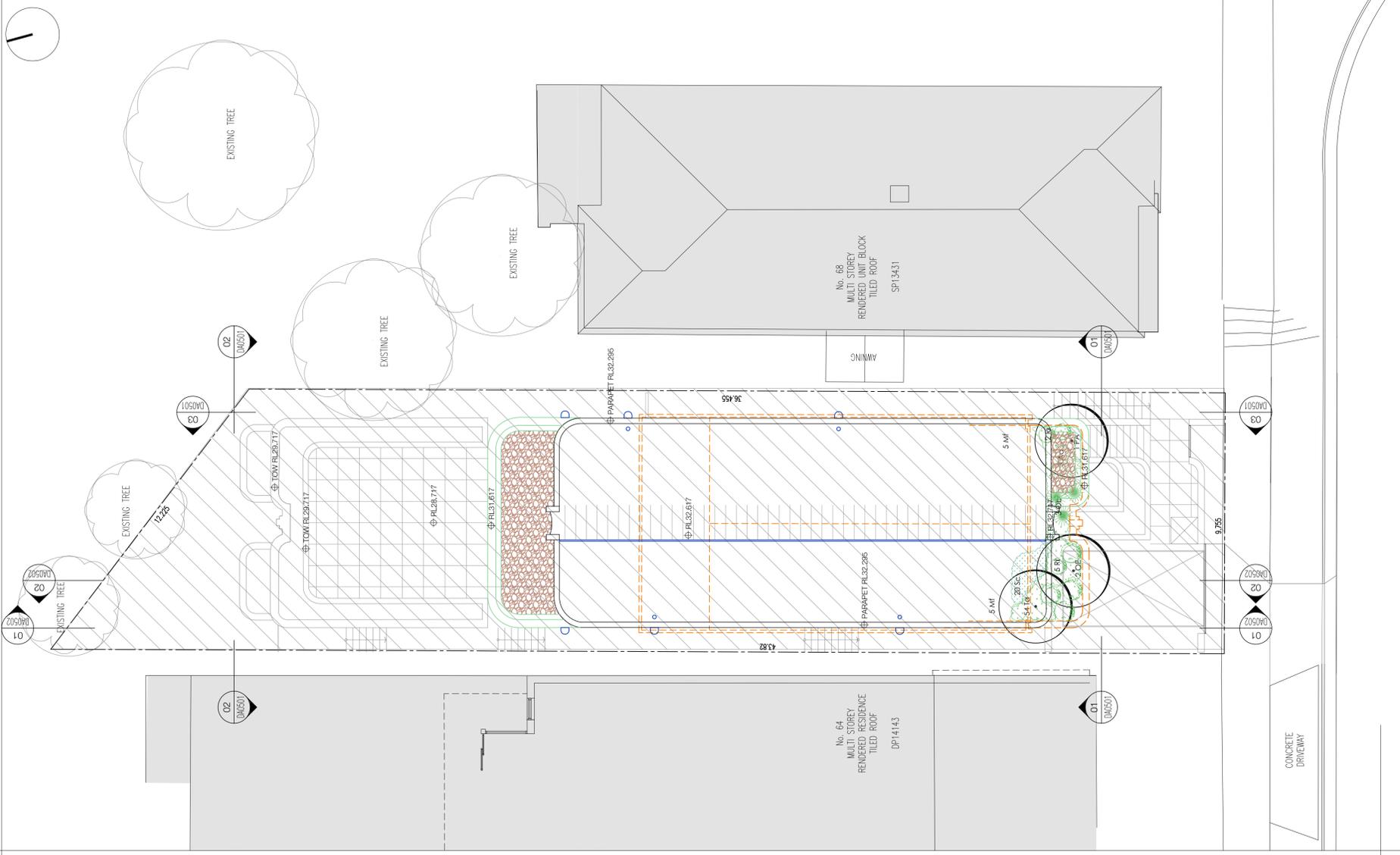
WATER
INCLUSIONS RAINWATER PAN/GROUND RAINWATER TANK
CONNECTED TO PLUMBING SYSTEM OF ROOF AREA
CONNECTED TO PLUMBING LANDSCAPE

LEGEND
ALT - ALTERNATE
EQ - EQUAL
FL - FLOOR
HMS - HOT WATER SYSTEM
LV - LEVEL
PEN - PENETRATIONS
RW - RAINWATER

66 FLETCHER STREET, SOUTH BONDI



02 LOCATION PLAN
NTS



01 SITE PLAN
1:100

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Rev. No.	Date	Revision	By	CHK.
A	6.4.18	FOR INFORMATION	TB	
B	13.4.18	ISSUE TO PLANNER	TB	
C	31.08.18	DA ISSUE	RM	JR

Project: ALTERNATIONS & ADDITIONS TO:
66 FLETCHER ST, SOUTH BONDI NSW 2026
Drawing: SITE PLAN

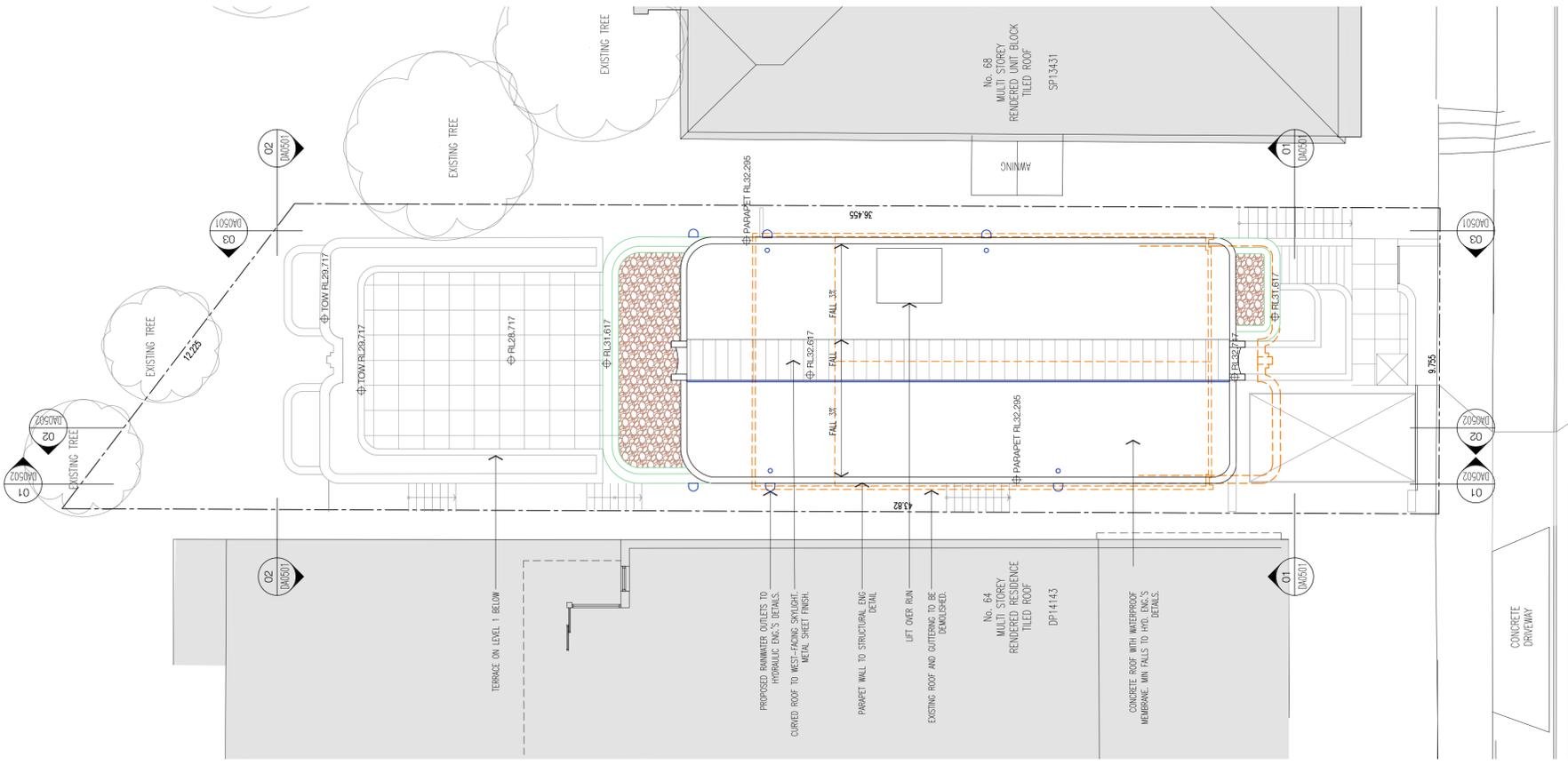
Date: 31.08.2018 AS NOTED
Scale: @ A1
Page No.: TB
Job No.: 85786 DA-0101
Drawing No.: DA-0101
Revision: C

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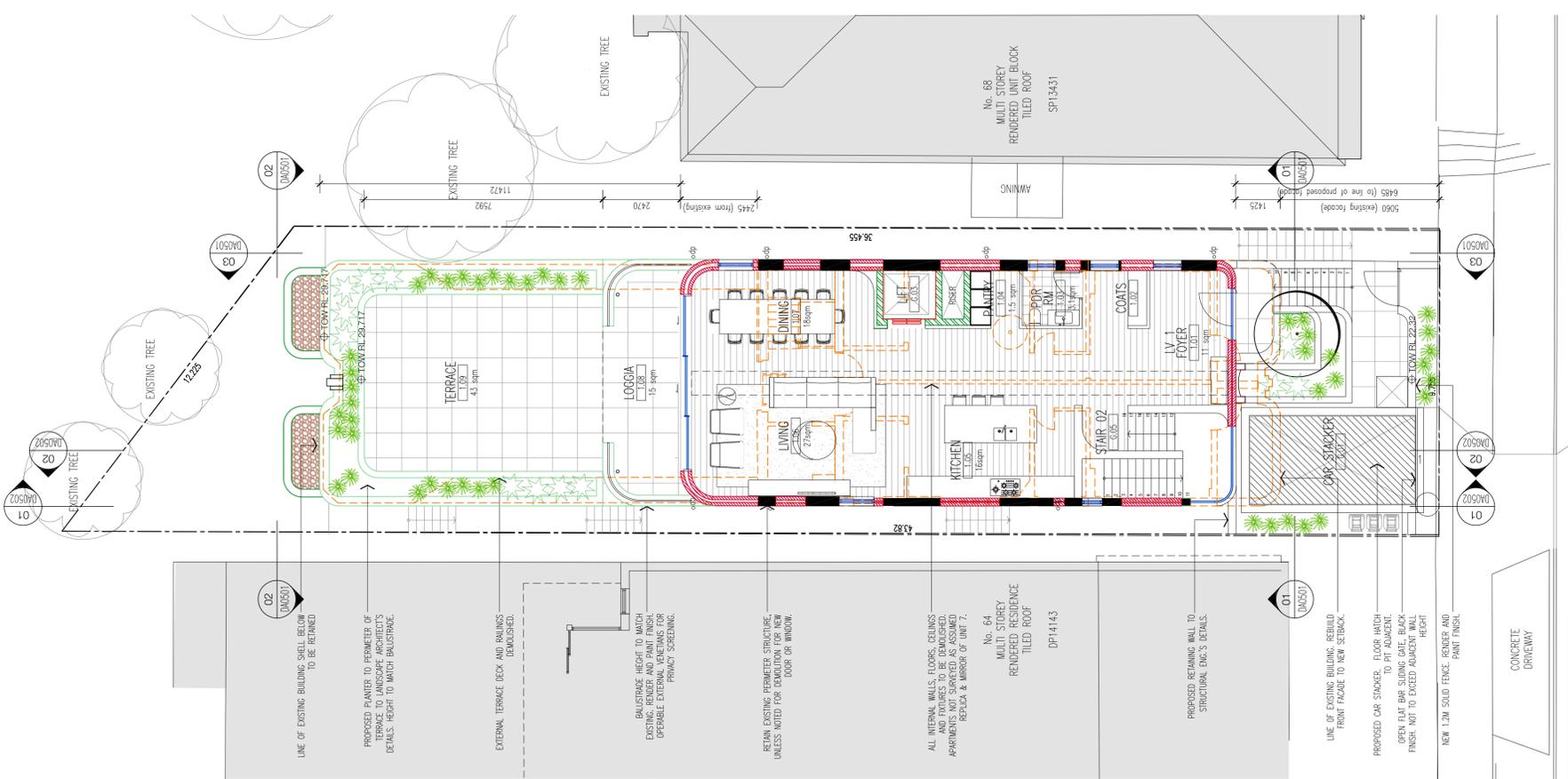
Level 2, 490 Crown St
Surry Hills NSW
2010 Australia
T 61 2 8319 8299
sjb.com.au

COLOUR CODE AS PER WHARLEY COUNCIL WOP OUTLINE OCTOBER 2012

DEMOLITION
ROOF TILES (FERROCEMENT)
ROOF TILES (CONCRETE)
INTERNAL TILES
SPACK
STEEL (ADVANCED IRON)
GLASS AND GLASS BLOCKS
CONCRETE
BRICK (CEMENT SHEETS / CEMENT RENDER)
PAINT (STONE & OTHER MATERIAL STORE)
MARBLE
STAINLESS PRODUCTS
EXISTING WALLS (REMOVED)



02 ROOF PLAN



01 LEVEL 1 PLAN

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Rev. No.	Date	Revision	By	CHK.
I	18.07.18	REVISED PLANS - PRELIMINARY ISSUE ONLY	RM	JR
J	10.08.18	REVISED PLANS - PRELIMINARY ISSUE ONLY	RM	JR
K	14.08.18	REVISED - PRELIMINARY ISSUE ONLY	RM	JR
L	31.08.18	DA ISSUE	RM	JR
M	13.08.18	DA ISSUE	RM	JR

Project	Scale	Date	Sheet Size
ALTERNATIONS & ADDITIONS TO: 66 FLETCHER ST, SOUTH BONDI NSW 2026	1:100	20.09.2018	@ A1

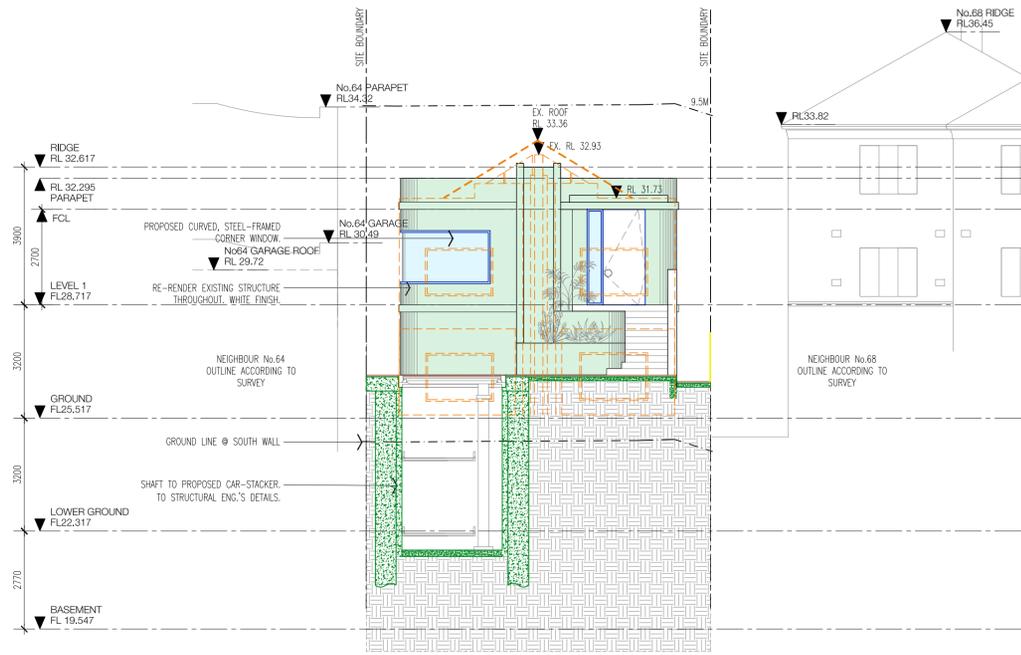
Rev. No.	Date	Revision	By	CHK.
-	-	-	TB	JR

Job No. **85786** DA-0202
 Drawing No. **DA-0202**
 Scale **1:100**
 Date **20.09.2018**
 Sheet Size **@ A1**

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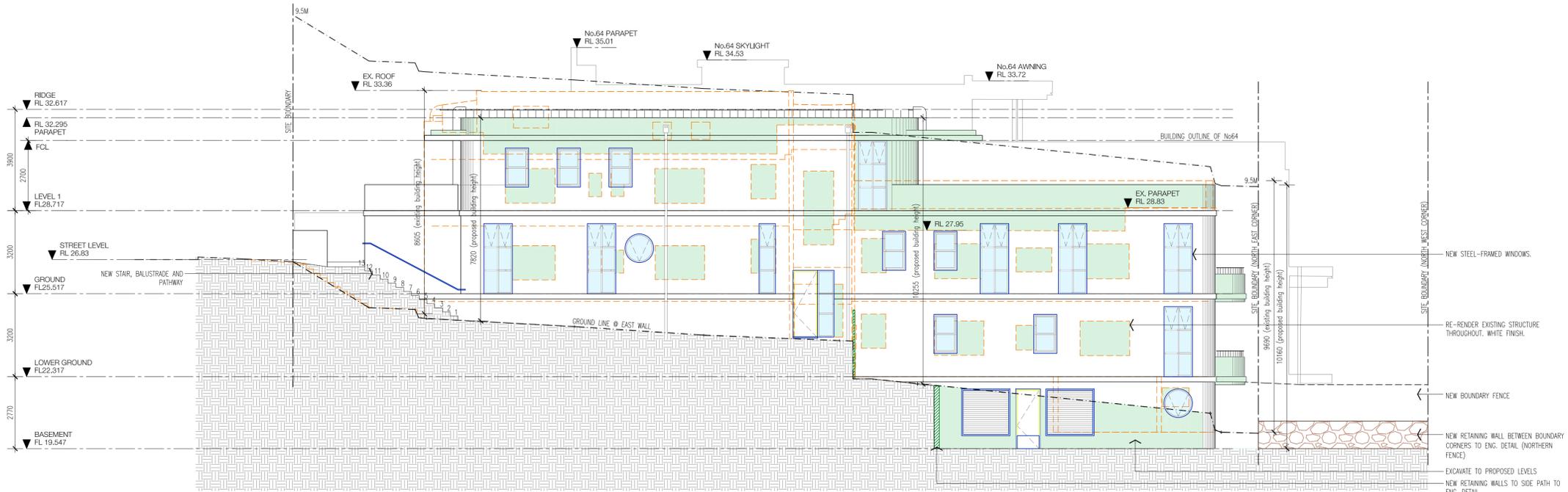




01 EXISTING & PROPOSED SOUTH ELEVATION 1:100



02 EXISTING & PROPOSED NORTH ELEVATION 1:100



03 EXISTING & PROPOSED EAST ELEVATION 1:100

COLOUR CODE AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012

DEMOLITION
ROOF TILES
PAVING TILES, TERRACOTTA
INTERNAL TILES
BRICK
STEEL GALVANISED IRON
ALUMINIUM
GLASS AND GLASS BRICKS
CONCRETE
FIBRE CEMENT SHEETS / CEMENT RENDER
SAND STONE & OTHER NATURAL STONE
EARTH
MARBLE
SITUMINOUS PRODUCTS
EXISTING WALLS RETAINED

Rev. No.	Date	Revision	By	Chk.	Rev. No.	Date	Revision	By	Chk.
F	30.04.18	ROOF THICKNESS CHANGE	TB		K	12.06.18	EXISTING RL NOTED	TB	
G	11.05.18	O/A LEVEL CHANGES, WINDOW DESIGN UPDATE	TB		L	14.08.18	REVISED ELEVATIONS	RM	JR
H	01.06.18	ROOF LINE UPDATE, GLASS BALUSTRADE	TB		M	31.08.18	DA ISSUE	RM	JR
I	04.06.18	NEW BOUNDARY FENCE NOTED	TB		N	13.09.18	DA ISSUE	RM	JR
J	08.06.18	NTH & STH ELEV CLARIFIED, GRD LINE REVERTED	TB		O	20.09.18	DA REVISED	RM	JR

Project
**ALTERATIONS & ADDITIONS TO:
 66 FLETCHER ST, SOUTH BONDI NSW 2026**

Drawing
EXISTING & PROPOSED ELEVATIONS

Date
20.09.2018

Scale
1:100

Sheet Size
@ A1

Reg. No.
85786

Drawn
DA-0501

Chk.
JR

Job No.
85786

Drawing No.
DA-0501

Revision
O

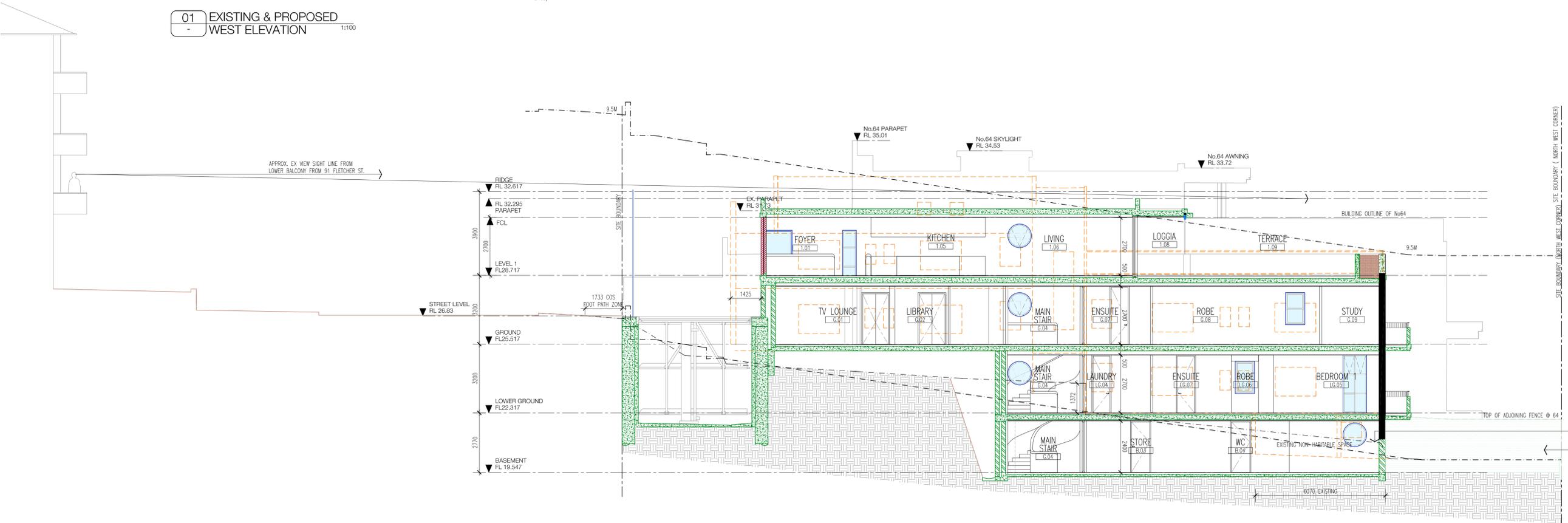
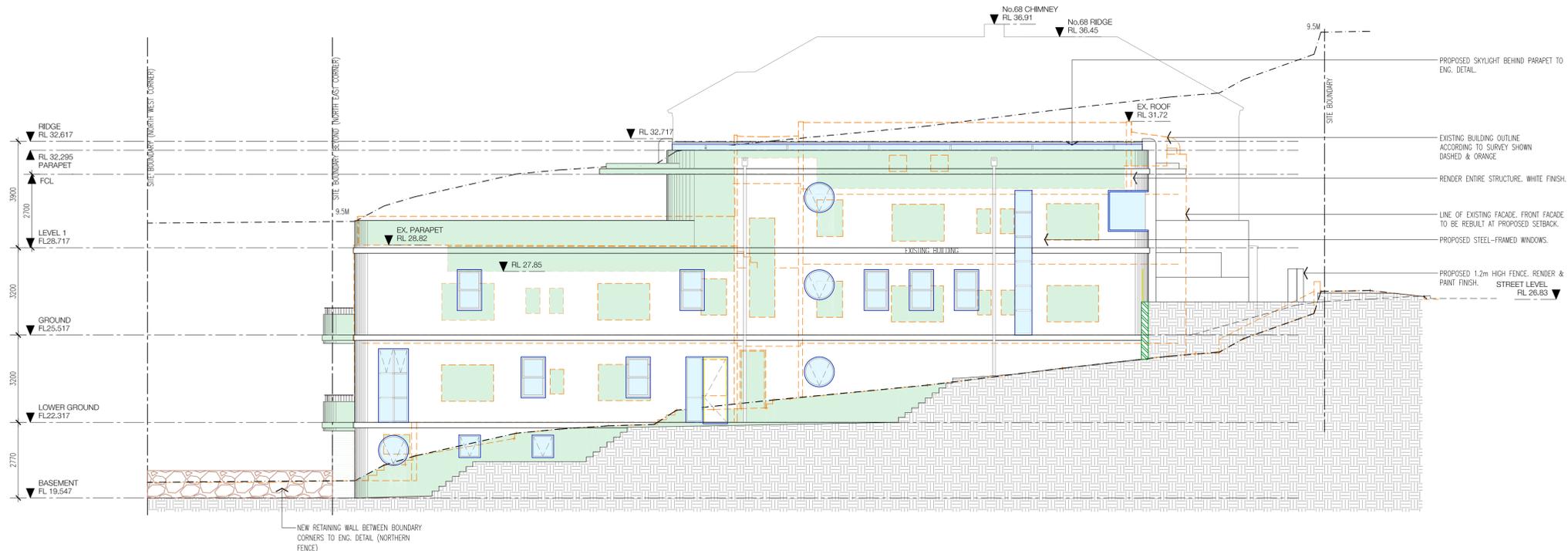
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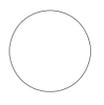


COLOUR CODE AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012

DEMOLITION
ROOF TILES
PAVING (TILES, TERRAZZOTA)
INTERNAL TILES
BRICK
STEEL GALVANISED IRON
ALUMINIUM
GLASS AND GLASS BRICKS
CONCRETE
FIBRE CEMENT SHEETS / CEMENT RENDER
SAND STONE & OTHER NATURAL STONE
EARTH
MARBLE
BITUMINOUS PRODUCTS
EXISTING WALLS, RETAINED

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Rev. No.	Date	Revision	By	Chk.
M	14.08.18	REVISED ELEVATIONS	RM	JR
N	31.08.18	DA ISSUE	RM	JR
O	13.09.18	DA ISSUE	RM	JR
P	20.09.18	DA REVISED	RM	JR

Rev. No.	Date	Revision	By	Chk.

Project: ALTERATIONS & ADDITIONS TO: 66 FLETCHER ST, SOUTH BONDI NSW 2026

Drawing: EXISTING & PROPOSED ELEVATIONS

Date: 20.09.2018
Scale: 1:100
Sheet Size: @ A1

Reg. No.:
Drawn: BT/TB
Chk.: JR

Job No.: 85786
Drawing No.: DA-0502
Revision: P

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Report to the Waverley Local Planning Panel

Application number	DA-125/2018/A
Site address	17 Wilga Street, BONDI
Proposal	Modification to remove condition 2A(a) relating to the extension to existing balconies
Approved development description	Alterations and additions including extension of balconies and various other modifications to existing residential building
Date of lodgement	20 th February 2019
Owner	Catherine McDonnell
Applicant	Cave Urban
Submissions	Four
Cost of Works	\$420,000
Issues	None
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 25 March 2019.

The site is identified as SP 6478, known as 17 Wilga Street, BONDI. It is located on the southern side of Wilga Street, between Sandridge Street and the coastline.

The site is rectangular in shape with an area of 436.3sqm. The north boundary to Wilga Street measures 17m, the west boundary with 15 Wilga Street measures 24.5m, and the east boundary with 19 Wilga Street measures 24.3m. There is a steep fall across the site from the west to east by approximately 4m.

The site is occupied by a 3 storey residential flat building containing 4 x 2 bedroom apartments and a combined penthouse unit above an at grade car park. The subject site is surrounded by flat buildings and dwelling houses.



Figure 1: Subject site frontage



Figure 2: Rear balconies subject of this modification application

1.2 Details of Approved Development

DA-125/2018 was approved by the Waverley Local Planning Panel (WLPP) on 12.06.2018 for 'Alterations and additions including extension of balconies and various other modifications to existing residential flat building.'

In determining the application, the Panel members added a condition 2A(a) relating to the rear balconies which reads as follows:

(a) The extension to the existing balconies to the southern elevation are to be deleted due to the proximity to the rear boundary

This condition is the subject of this modification application.

1.3 Proposal

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

- Deletion of condition 2A(a) of the development consent;

(a) The extension to the existing balconies to the southern elevation are to be deleted due to the proximity to the rear boundary

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modification if approved is substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate was been submitted with the original development application. The standard condition remains on the consent.

2.2.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.2.3 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is partly located within the Coastal environment area (Clause 13) and wholly located in a Coastal use area (Clause 14) according to the SEPP.

Clause 13 states that development within the coastal environment area, must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards. Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal includes alterations to an existing building. No excavation is proposed. The development will not impact existing access to the foreshore, beach or headland, nor will it overshadow or result in the loss of views from public places to foreshores. The proposal will not impact the visual amenity and scenic qualities of the coast, including coastal headlands. The proposal is considered acceptable against the relevant clauses of SEPP (Coastal Management) 2018.

2.2.4 SEPP 65 Design Quality of Residential Flat Development

The proposal relates to an existing residential flat building, however there is no alteration to the internal floor plans (albeit a minor increase in the footprint of some units), and the RL of each level remains as existing. This modification application is only in relation to a minor increase in balcony size. As such, the development is not considered to include a substantial redevelopment or refurbishment and SEPP 65 does not apply.

2.2.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal relates to an existing residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The overall height of the building remains as existing. However the proposed works are sought to the upper level which has a maximum height of 12m which exceeds the maximum height standard by 2.5m or 20.8%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 	No	The proposal results in a maximum FSR of 0.96:1 which exceeds the maximum FSR by 160.9sqm or 61%.
4.6 Exceptions to development standards	N/A	As this is a modification application a Clause 4.6 submission is not required. The merits of varying the development standard were assessed in the original application. Sufficient environmental planning grounds to justify contravening the development standard were provided. As such, no further assessment is required.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as having Class 5 Acid Sulfate Soils. No excavation works are

Provision	Compliance	Comment
		proposed and as such, no further investigation or assessment is required with regards to acid sulfate soils.

2.2.6 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal does not change the number of apartments or occupants of the building and therefore existing waste provisions are acceptable. The proposal does include a new enclosure for bin storage on the ground floor at the rear of the driveway.
2. Energy and water conservation	Yes	BASIX Certificates have been submitted for each dwelling.
4. Coastal risk management	Yes	The site is located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP. No excavation is proposed and the development will not impact existing access to the foreshore or result in overshadowing or view loss.

Table 3: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.5 Setbacks		
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	No, but acceptable	<p>The existing rear setback is 4.5m to the building line. The proposed balcony extensions will reduce the setback to 2m for a portion of the building. This non-compliance is acceptable as the balconies are lightweight additions and there is no building to the rear of the subject site. The closest sites to the rear (21 Wilga Street and 20 Sandridge Street) are heavily landscaped and are sloping sites.</p> <p>The proposed balcony extensions towards the rear is not considered to have an impact on the surrounding properties and will improve amenity for existing occupants.</p>
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 12m between habitable and habitable 	As existing	The proposal does not alter the existing building separation to the east and west.

Development Control	Compliance	Comment
		There is no building opposite the proposed balcony extensions at the rear of the subject property.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The existing building is in a dilapidated state, which detracts from the streetscape. The proposed alterations result in a building of a scale and appearance in keeping with the street. The original scale of the existing residential flat building will remain, but the glazed balustrade and new windows will contribute to the overall appearance of the building and better respond to the streetscape.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	Yes	The principal envelope of the building including the external walls and roof, and the orientation of units remains unchanged. The lightweight balcony extensions and glazed balustrades are to the front of the building (north) and to the rear (south) and will not result in additional overshadowing to neighbouring properties.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	<p>The proposed balcony extensions will not result in view loss impacts. Three submissions were received from neighbours at 15 Wilga Street (to the west of the subject site) raising concern about view loss. Similar objections were received in response to the original approved application.</p> <p>A site inspection at 15 Wilga Street was carried out as part of the original DA assessment which revealed that the proposal will not result in view loss from the grounds of the neighbouring property (15 Wilga Street). The proposed modification seeks consent for the same balcony extensions therefore this assessment remains valid.</p> <p>The applicant has provided a more detailed view assessment supporting the modification application which indicates views across the site from the ground, first and second floor units at 15 Wilga Street. The balcony extensions will remove a small portion of the water view, however the primary view of the foreshore, breaking waves on the rocks and across to Ben Buckler Point will remain unchanged as a result</p>

Development Control	Compliance	Comment
		of the proposal. There is also extensive vegetation around the boundary which obscures the existing view of the site.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	Yes	<p>The proposed balconies are an extension of the existing balcony space. The steep topography of the site is such that the uppermost balcony on the third floor is sunken into the landscape when viewed from adjoining properties to the west and the lower two balconies are not visible, obscuring any sightlines into adjoining properties.</p> <p>In addition, the adjoining properties already experience a high level of overlooking from the existing buildings surrounding the site.</p> <p>The expansion of the existing balconies on the subject site will make no discernible impact on privacy.</p>

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.4 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.5 Any Submissions

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

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

Table 4: Summary of property addresses that lodged a submission

Property
1/15 Wilga Street, BONDI
2/15 Wilga Street, BONDI
3/15 Wilga Street, BONDI

Issue: Views

Response: As discussed in the WDCP 2012 table above, 2.17 Views and View Sharing. A site inspection was carried out to 15 Wilga Street as part of the original DA approved application. The proposed balcony extensions will not result in unreasonable view loss impacts from the grounds of the neighbouring property.

Issue: *Overgrown vegetation*

Response: This is a civil matter and does not form part of the planning assessment.

2.6 Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application seeks approval to modify the original consent as follows:

- Delete Condition 2A(a) of the development consent which reads-
(a) The extension to the existing balconies to the southern elevation are to be deleted due to the proximity to the rear boundary

The proposal to modify the approved development is generally compliant with the requirements of the relevant controls and will not adversely impact upon the merits of the overall development, nor the amenity of surrounding occupiers. The balcony extensions have been adequately justified through the submission of a detailed statement and view assessment.

Three submissions were received from neighbouring properties, however they do not raise any new issues that were not already discussed and justified in the original application.

The proposal is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Ellen Nicholson
Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 30/4/19

Date: 17/5/19

Reason for referral:

1

2

3

4

5 Reviews, Modifications and other Applications

1. Applications for modification of a condition specifically made or imposed by the Panel that the General Manager or other Council officer believe should be referred to the Panel (excludes modification applications under Section 455 (1) and (1A) of the Act*).

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

2A. GENERAL MODIFICATIONS

- ~~(a) The extension to the existing balconies to the southern elevation are to be deleted due to the proximity to the rear boundary.~~
- (b) Extensions to the balcony slabs shall be no thicker than 180mm.

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(DELETED BY DA-125/2018/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos 5 to 12, tables and documentation prepared by Cave Urban, dated 4 April 2018, and received by Council on 13 April 2018;
- (b) BASIX Certificates submitted with the development application;
- (c) BCA Report and documentation prepared by Building Certificates Australia Pty Ltd dated 3 April 2018, and received by Council on 13 April 2018;

Except where amended by the following conditions of consent.

2. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

To ensure the integrity of the approved design of the building is maintained over time, the private open balconies attached are not to be enclosed at any time in the future without prior development consent.

2A. GENERAL MODIFICATIONS

- (a) *(DELETED BY DA-125/2018/A)*
- (b) Extensions to the balcony slabs shall be no thicker than 180mm.

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of certification or 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. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

4. DOMESTIC HEATERS

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

5. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 7.12 CONTRIBUTION

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

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

(1) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$10,300** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

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

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

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

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

10. BCA & FIRE SAFETY UPGRADE WORKS

- (a) In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the BCA 2016 Indicative Compliance Report by Building Certificates Australia Pty Ltd dated 3 April 2018 and the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3;
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Fire fighting equipment – Part E1;
 - (vii) Smoke hazard management – Part E2;
 - (viii) Emergency lighting, exit signs and warning systems – Part E4.
- (b) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.
- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition and BCA 2016 Indicative Compliance Report by Building Certificates Australia Pty Ltd dated 3 April 2018 must be completed and certified including

a Final Fire Safety Certificate prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

- (d) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

11. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

13. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

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

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

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

14. EROSION, SEDIMENT AND POLLUTION CONTROL

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

15. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

16. ENGINEERING DETAILS

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

17. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

18. HOARDING REQUIRED

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

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

19. BASIX

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

20. PRIOR TO SITE WORKS

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

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

21. HOME BUILDING ACT

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

22. CONSTRUCTION SIGNS

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

23. OBSTRUCTION TO PUBLIC AREAS

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

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

24. TOILET FACILITIES

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

25. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

26. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

27. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

28. CONSTRUCTION HOURS

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

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

(b) Sundays and public holidays

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

29. BUILDING CODE OF AUSTRALIA

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

30. ENCROACH BEYOND THE BOUNDARIES

No portion of the development including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

31. STOCKPILES

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

32. LOCATION OF BUILDING OPERATIONS

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

33. ALL BUILDING MATERIALS STORED ON SITE

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

34. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

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

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

35. WATER PROOFING

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

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

36. TREE PRESERVATION

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

37. FINAL OCCUPATION CERTIFICATE

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

38. FIRE SAFETY UPGRADE

The Occupation Certificate shall not be released by the appointed Principal Certifying Authority until all fire safety upgrading works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule has been installed and:

- (a) has been assessed by a properly qualified person; and
- (b) has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

39. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The development must have a bin storage point for a minimum:
 - 2 x 240L Mobile Garbage Bins (MGBs) for general waste
 - 1 x 240L MGBs for container recycling
 - 1 x 240L MGBs for paper recycling
 - 1 x 240L MGBs for excess waste & recycling or garden organic waste should this be generated on the property.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) A room or caged area with a minimum volume of 4 m³ must be allocated for the storage of discarded bulky items, such as old furniture, awaiting Council pick up.
- (d) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (e) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (f) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains.
- (h) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

40. LIGHTING

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

41. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.



LOCATION PLAN (n.t.s)



PROPOSED UPPERMOST BALCONY EXTENSION SHOWN DOTTED

The topography of the site is such that the uppermost balcony on the third floor is sunken into the landscape when viewed from adjoining properties to the west and the lower two balconies are not visible therefore not obscuring any sightlines from adjoining properties.

PROPOSED EXTENSION TO SOUTHERN BALCONIES TO MATCH APPROVED NORTHERN BALCONY EXTENSION (EQUITY FOR RESIDENTS).

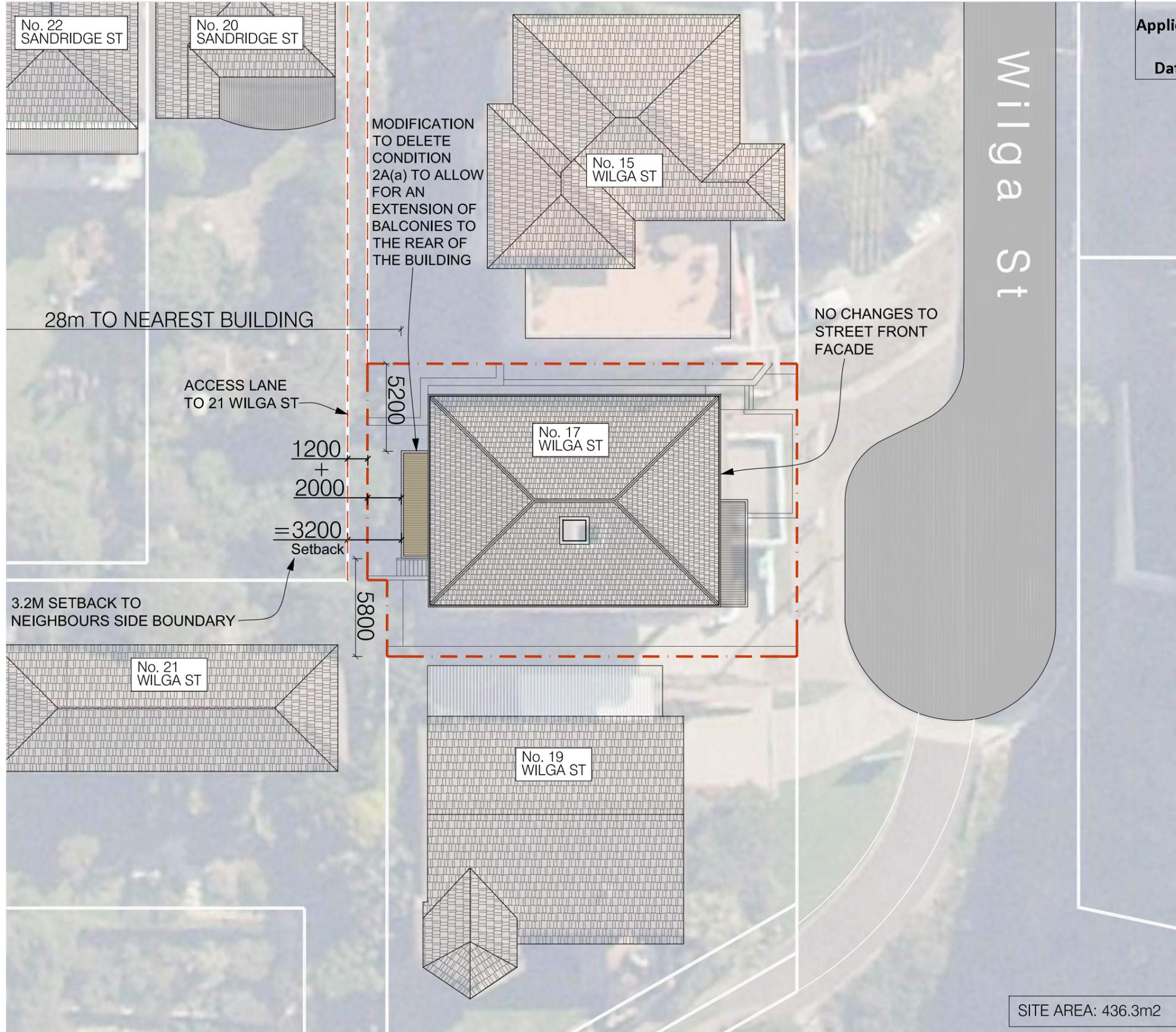
NO IMPACT TO VIEWS FROM NEIGHBOURING PROPERTIES.

DUE TO THE SOUTHERN LOCATION OF THE BALCONIES AND HEIGHT WELL BELOW THE EXISTING GUTTER NO ADDITIONAL OVERSHADOWING AS A RESULT OF THIS PROPOSAL.

NO ADVERSE IMPACT ON THE AMENITY OF ADJOINING PROPERTIES.

NO CHANGES TO EXISTING GROSS FLOOR AREA.
APPROVED FSR REMAINS AS EXISTING

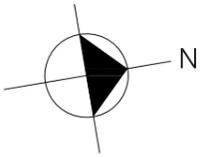
PROPOSED BALCONIES WELL UNDER MAXIMUM HEIGHT CONTROL.



SITE AREA: 436.3m2

SECTION 4.55 TO APPROVED DA-125/2018

17 WILGA ST
BONDI, NSW, 2026

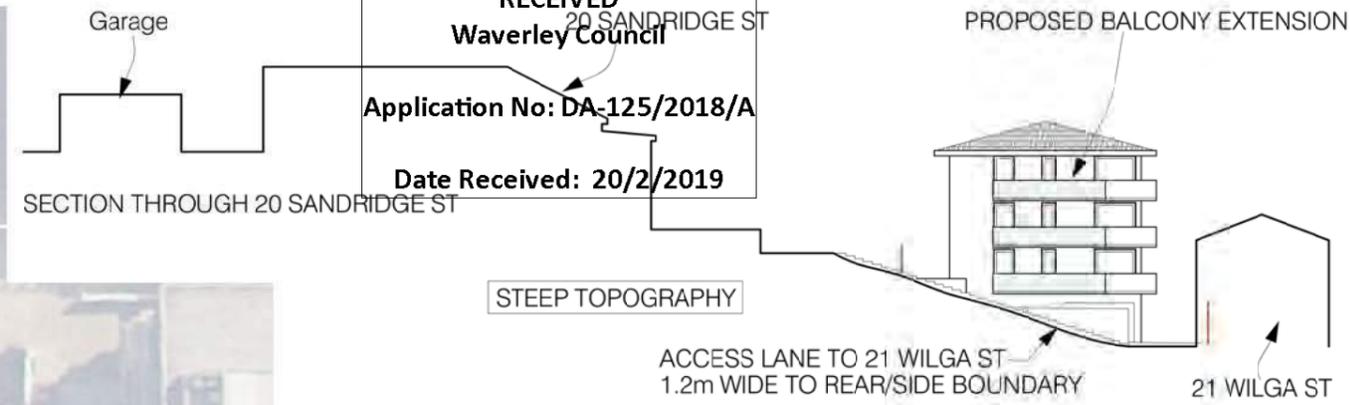
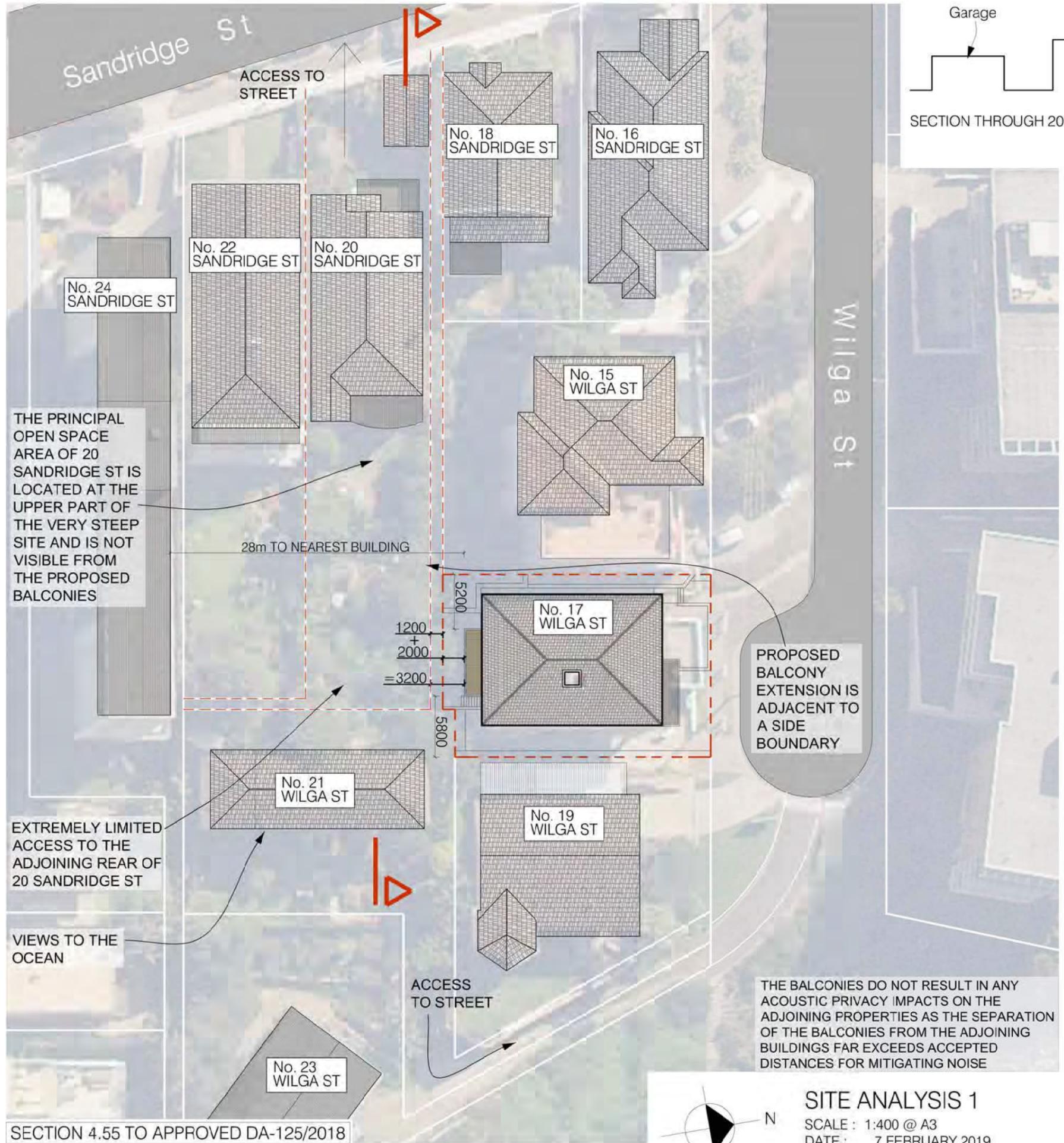


SITE PLAN

SCALE : 1:200 @ A3
DATE : 7 FEBRUARY 2019
DWG NO. : 1
DRAWN BY : Angel



Cave Urban
300



SETBACK CONTROLS:

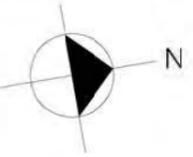
AS PER WAVERLEY DEVELOPMENT CONTROL PLAN 2012:

A VARIATION TO THE SIDE OR REAR SETBACK MAY BE PERMITTED WHERE THERE IS NO ADVERSE IMPACT ON THE AMENITY OF ADJOINING PROPERTIES AND IS CONSISTENT WITH THE EXISTING STREETSCAPE.

PROPOSED SETBACK ANALYSIS:

- THE REAR SETBACK DOESN'T CORRESPOND TO A CLASSIC REAR SETBACK SITUATION AS THE SITE IS PART OF A PARTICULAR 'CORNER LAYOUT'
- THE REAR SETBACK IS IN FACT A SIDE SETBACK FOR THE ADJACENT PROPERTY (20 SANDRIDGE ST) AND THEREFORE ONLY A 3m SETBACK IS REQUIRED.
- THERE IS A PRIVATE ACCESS LANE BETWEEN THE SUBJECT SITE AND 20 SANDRIDGE ST THAT IS 1.2m WIDE WHICH MAKES THE ACTUAL SETBACK 3.2m WHICH WIDELY COMPLIES WITH THE SIDE SETBACK CONTROL.
- THE SETBACK TO THE NEAREST BUILDING IS 28m AWAY.
- THE BUILDING ON THE ADJOINING SIDE BLOCK (20 SANDRIDGE ST) ALREADY ACCOMMODATES 7 FLATS TO SANDRIDGE ST AND THE PROPOSED BALCONIES LIE ADJACENT TO THE VERY REAR OF THE PROPERTY AT THE BOTTOM OF A STEEPLY SLOPING SITE WHERE DEVELOPMENT FOR THIS NEIGHBOUR WOULD NOT OCCUR DUE TO SETBACK CONTROLS, TERRAIN, FSR AND ACCESS FROM SANDRIDGE ST ITSELF.
- THE PRINCIPAL OPEN SPACE AREA OF 20 SANDRIDGE ST IS NOT VISIBLE FROM THE PROPOSED BALCONIES, AS THEY ARE ADJACENT TO THE STEEP AND MOSTLY INACCESSIBLE POSITION OF THE NEIGHBOUR'S PROPERTY.

SECTION 4.55 TO APPROVED DA-125/2018
17 WILGA ST
BONDI, NSW, 2026



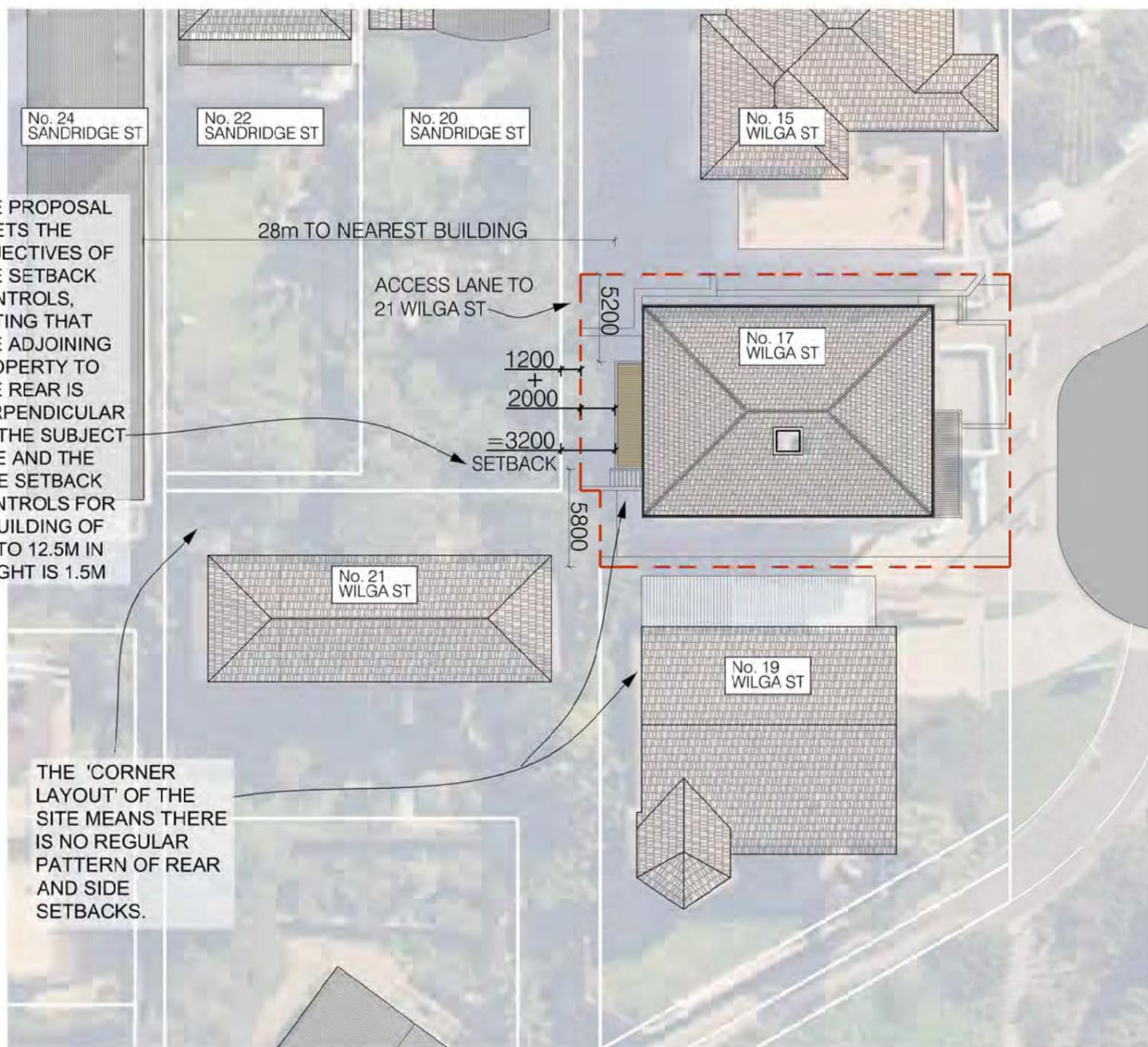
SITE ANALYSIS 1
SCALE : 1:400 @ A3
DATE : 7 FEBRUARY 2019
DWG NO. : 2
DRAWN BY : Angel



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 Application No: DA-125/2018/A
 Date Received: 20/2/2019



PHOTO OF THE PRIVATE ACCESS LANE BETWEEN THE SUBJECT SITE AND 20 SANDRIDGE ST (1.2m WIDE).



THE PROPOSAL MEETS THE OBJECTIVES OF THE SETBACK CONTROLS, NOTING THAT THE ADJOINING PROPERTY TO THE REAR IS PERPENDICULAR TO THE SUBJECT SITE AND THE SIDE SETBACK CONTROLS FOR A BUILDING OF UP TO 12.5M IN HEIGHT IS 1.5M

THE 'CORNER LAYOUT' OF THE SITE MEANS THERE IS NO REGULAR PATTERN OF REAR AND SIDE SETBACKS.

THE SITE IS PART OF A PARTICULAR 'CORNER LAYOUT' THAT MEANS THERE IS NO REGULAR PATTERN OF REAR AND SIDE SETBACKS.

THE PROPOSAL MEETS THE OBJECTIVES OF THE SETBACK CONTROLS, NOTING THAT THE ADJOINING PROPERTY TO THE REAR (20 SANDRIDGE ST) IS PERPENDICULAR TO THE SUBJECT SITE AND PRESENTS A SIDE BOUNDARY.

THE PRIVATE ACCESS LANE BETWEEN THE SUBJECT SITE AND 20 SANDRIDGE ST IS 1.2m WIDE WHICH MEANS THE ACTUAL SETBACK FOR THE PROPOSED BALCONIES IS 3.2m WHICH WIDELY COMPLIES WITH SIDE SETBACK CONTROLS.



THERE IS SIGNIFICANT VEGETATION ALONG THE REAR BOUNDARY SECTION 4.55 TO APPROVED DA-125/2018



THE REAR OF 20 SANDRIDGE ST IS STEEP WITH LITTLE TO NO ACCESS TO THE STREET



VIEWS FROM SUBJECT SITE TOWARDS THE SOUTH. THE SETBACK TO THE NEAREST BUILDING IS 28m AWAY.

17 WILGA ST
 BONDI, NSW, 2026



SITE ANALYSIS 2
 SCALE : 1:300 @ A3
 DATE : 7 FEBRUARY 2019
 DWG NO. : 3
 DRAWN BY : Angel





22 SANDRIDGE ST



24 SANDRIDGE ST

22 SANDRIDGE ST

20 SANDRIDGE ST. THE PRINCIPAL OPEN SPACE AREA IS LOCATED AT THE UPPER PART OF THE VERY STEEP SITE AND IS NOT VISIBLE FROM PROPOSED BALCONIES



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Application No: DA-125/2018/A
Date Received: 20/2/2019

20 SANDRIDGE ST

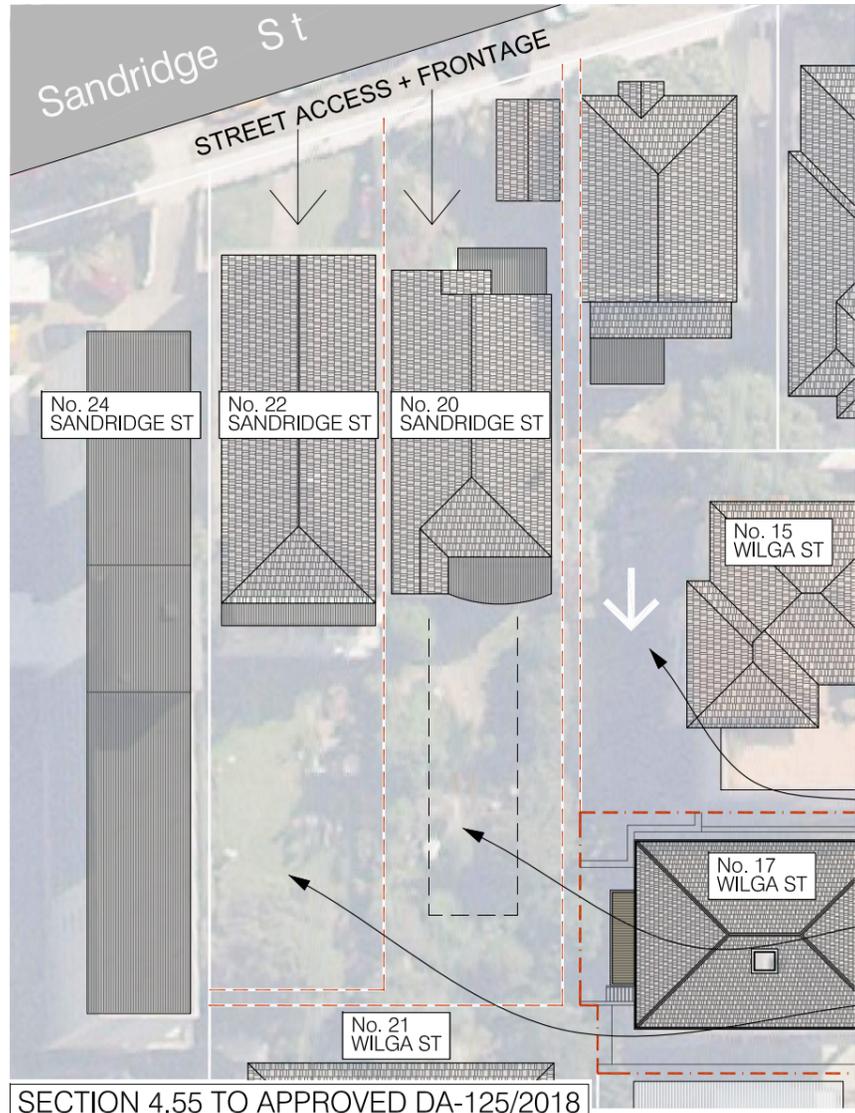
22 SANDRIDGE ST

VIEWS OF THE FRONT FACADE OF 20 AND 22 SANDRIDGE ST.

VIEWS OF THE REAR FACADE OF 20 AND 22 SANDRIDGE ST.

22 SANDRIDGE ST HAS RECENTLY BEEN RENOVATED.

20 SANDRIDGE ST ALREADY ACCOMMODATES 7 FLATS TO SANDRIDGE ST AND THE PROPOSED BALCONIES LIE ADJACENT TO THE VERY REAR OF THE PROPERTY AT THE BOTTOM OF A STEEPLY SLOPING SITE WHERE DEVELOPMENT FOR THIS NEIGHBOUR WOULD NOT OCCUR DUE TO SETBACK CONTROLS, TERRAIN, FSR AND ACCESS.



SECTION 4.55 TO APPROVED DA-125/2018

17 WILGA ST
BONDI, NSW, 2026



PROPOSED BALCONY EXTENSION NON VISIBLE

VERY STEEP DROP AT THE REAR OF 20 SANDRIDGE ST

VIEWS FROM 15 WILGA ST REMAIN UNAFFECTED.
NO ADVERSE IMPACT TO THE AMENITY OF ADJOINING PROPERTIES.

A VARIATION TO THE SIDE OR REAR SETBACK MAY BE PERMITTED WHERE THERE IS NO ADVERSE IMPACT TO THE AMENITY OF ADJOINING PROPERTIES AND IS CONSISTENT WITH THE EXISTING STREETSCAPE.

A DETAILED EXAMINATION OF THE IMPACTS CONCLUDES THAT THE PROXIMITY TO THE REAR BOUNDARY DOES NOT RESULT IN ANY ADVERSE IMPACTS UPON THE ADJOINING PROPERTIES AND IS WORTHY OF APPROVAL.

VIEWS FROM 15 WILGA ST COMMON OPEN SPACE REMAIN UNAFFECTED

DEVELOPMENT AT THE VERY REAR OF 20 SANDRIDGE ST AT THE BOTTOM OF A STEEPLY SLOPING SITE WOULD NOT OCCUR DUE TO SETBACK CONTROLS, TERRAIN AND FSR.

22 SANDRIDGE ST HAS RECENTLY BEEN RENOVATED AND LEFT THE LOWER PART OF THE SITE INTACT.

SITE ANALYSIS 3

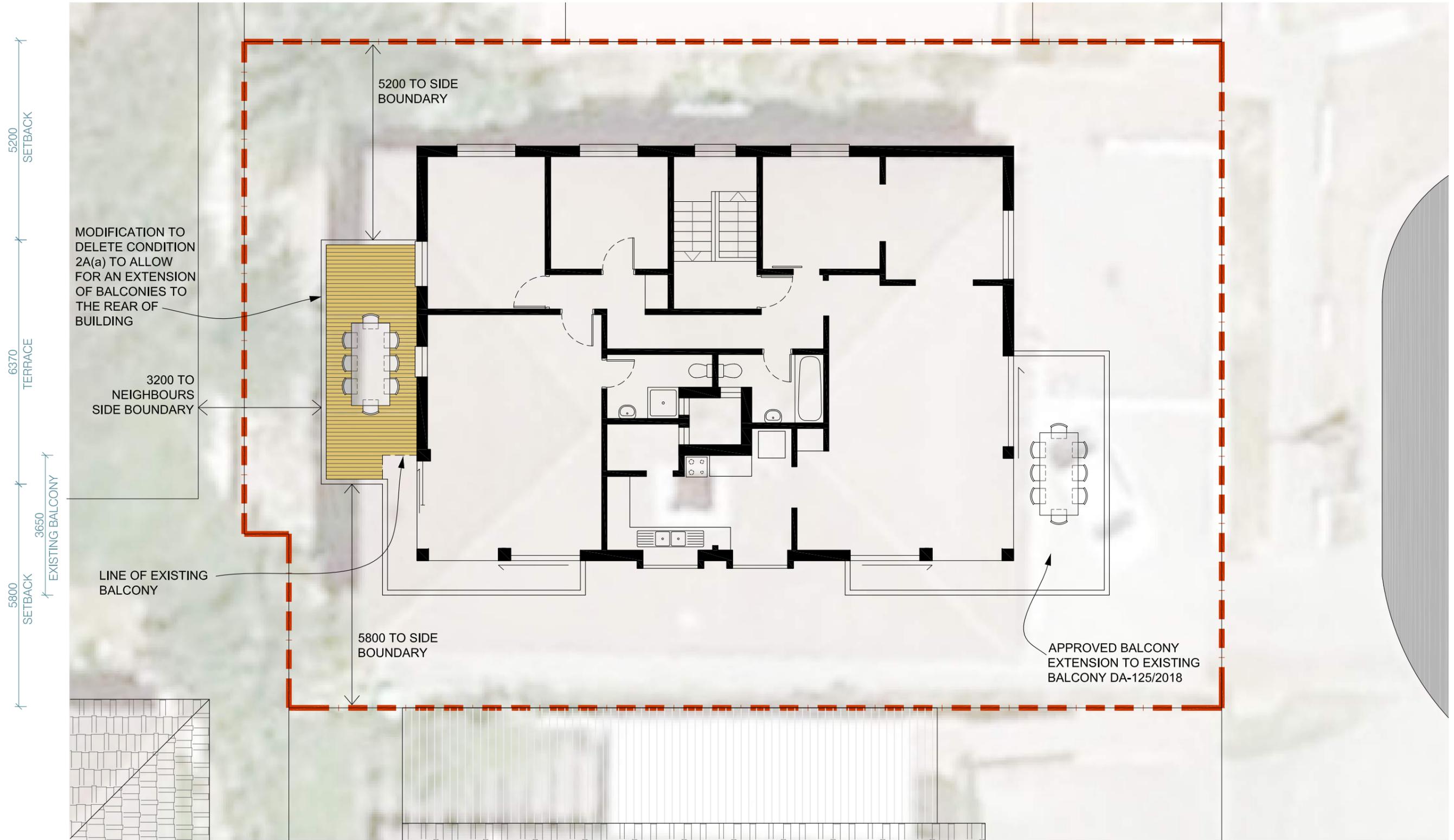
SCALE : -
DATE : 7 FEBRUARY 2019
DWG NO. : 4
DRAWN BY : Angel



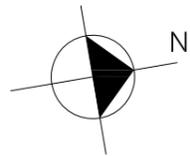
Cave Urban 303

RECEIVED
 Waverley Council
 Application No: DA-125/2018/A
 Date Received: 20/2/2019

3200 SETBACK | 2500 TERRACE | 15570 EXISTING BUILDING
 1200 ACCESS LANE | 2000 SETBACK



SECTION 4.55 TO APPROVED DA-125/2018
 17 WILGA ST
 BONDI, NSW, 2026



PROPOSED THIRD FLOOR (PENTHOUSE)

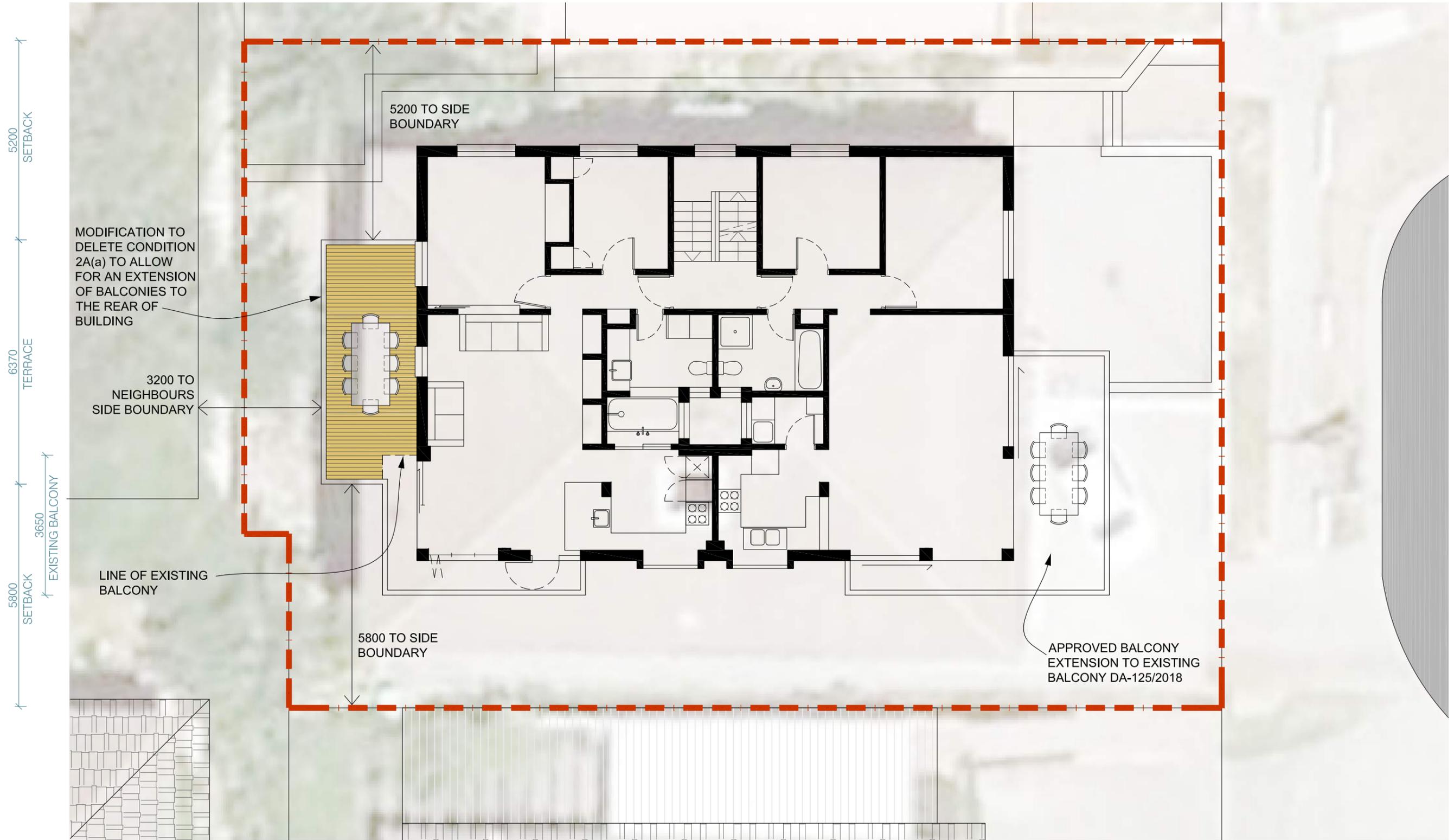
SCALE : 1:100 @ A3
 DATE : 7 FEBRUARY 2019
 DWG NO. : 5
 DRAWN BY : Angel



Cave Urban
 304

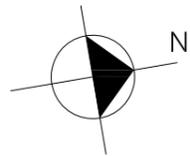
RECEIVED
 Waverley Council
 Application No: DA-125/2018/A
 Date Received: 20/2/2019

3200 SETBACK
 2500 TERRACE
 15570 EXISTING BUILDING
 1200 ACCESS LANE
 2000 SETBACK



SECTION 4.55 TO APPROVED DA-125/2018

17 WILGA ST
 BONDI, NSW, 2026



PROPOSED
 SECOND FLOOR

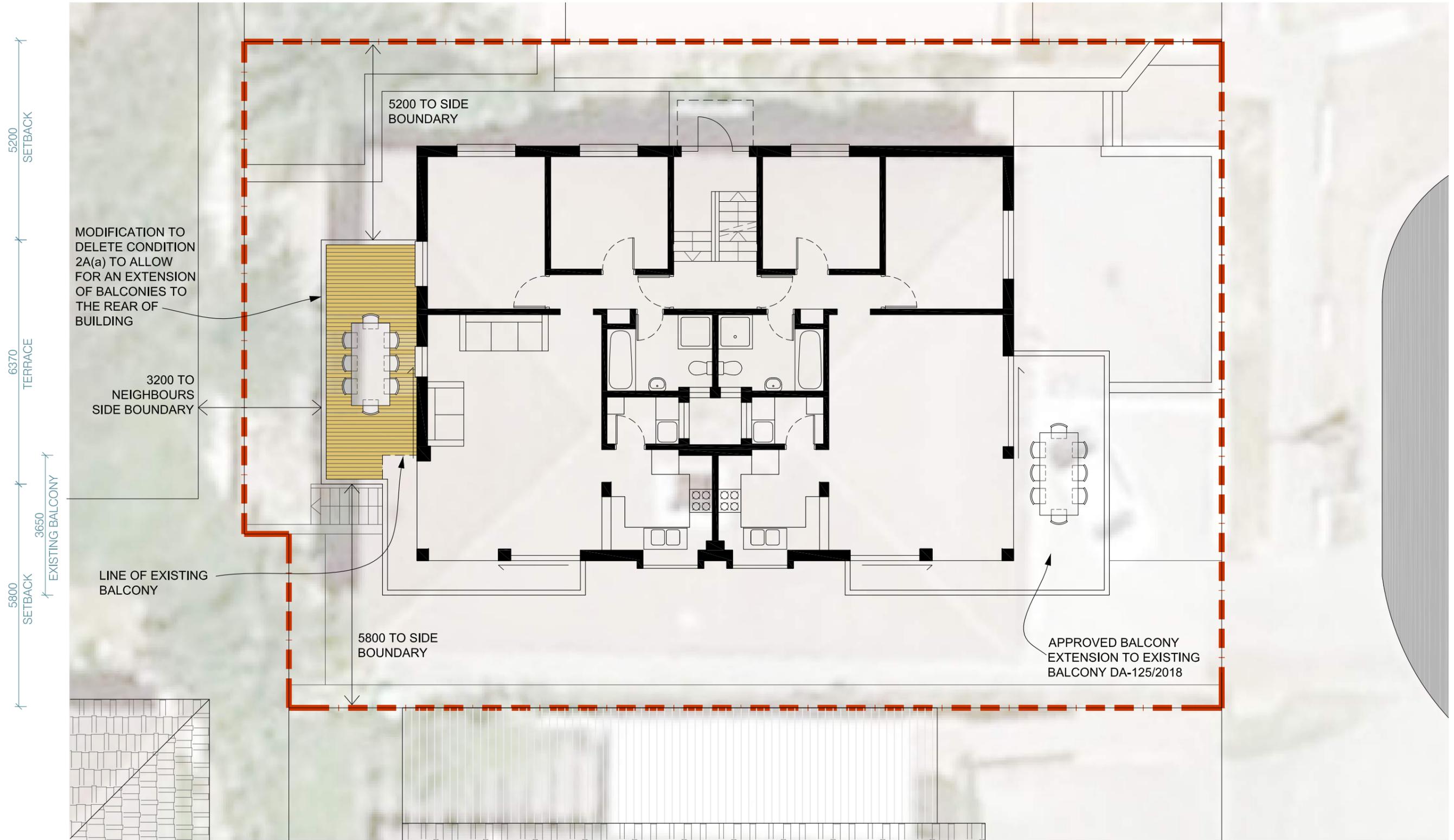
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 DATE : 7 FEBRUARY 2019
 DWG NO. : 6
 DRAWN BY : Angel



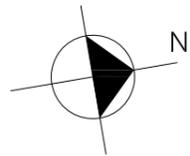
Cave Urban
 305

RECEIVED
 Waverley Council
 Application No: DA-125/2018/A
 Date Received: 20/2/2019

3200 SETBACK
 2500 TERRACE
 15570 EXISTING BUILDING
 1200 ACCESS LANE
 2000 SETBACK



SECTION 4.55 TO APPROVED DA-125/2018
 17 WILGA ST
 BONDI, NSW, 2026



PROPOSED
 FIRST FLOOR

SCALE : 1:100 @ A3
 DATE : 7 FEBRUARY 2019
 DWG NO. : 7
 DRAWN BY : Angel



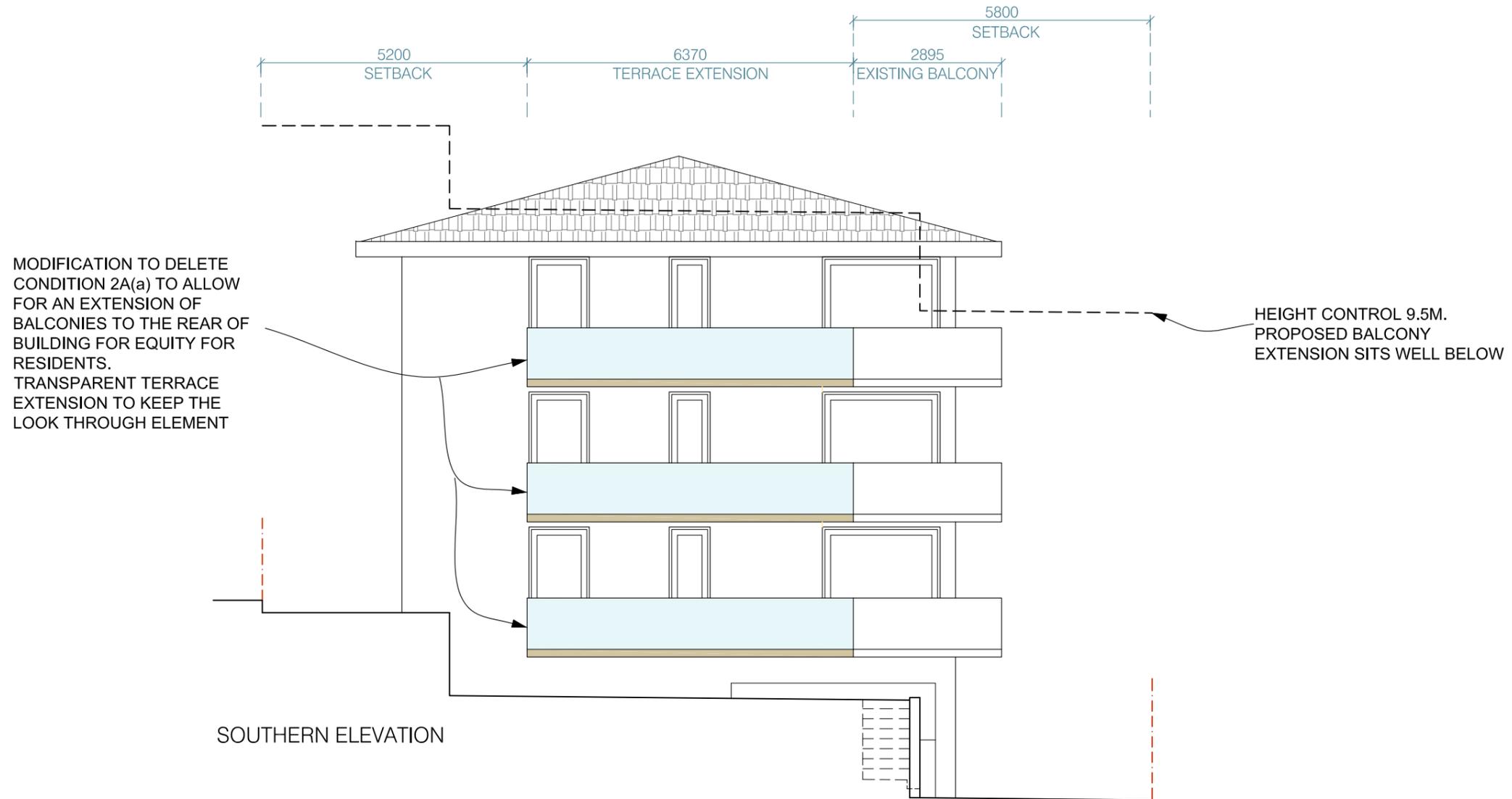
Cave Urban
 306



EASTERN ELEVATION

SECTION 4.55 TO APPROVED DA-125/2018
17 WILGA ST
BONDI, NSW, 2026

PROPOSED
EASTERN ELEVATION
SCALE : 1:100 @ A3
DATE : 7 FEBRUARY 2019
DWG NO. : 8
DRAWN BY : Angel



SECTION 4.55 TO APPROVED DA-125/2018

17 WILGA ST
BONDI, NSW, 2026

PROPOSED
SOUTHERN ELEVATION

SCALE : 1:100 @ A3
DATE : 7 FEBRUARY 2019
DWG NO. : 9
DRAWN BY : Angel



Cave Urban
308

RECEIVED
Waverley Council
Application No: DA-125/2018/A
Date Received: 20/2/2019



SECTION 4.55 TO APPROVED DA-125/2018
17 WILGA ST
BONDI, NSW, 2026

PROPOSED
WESTERN ELEVATION
SCALE : 1:100 @ A3
DATE : 7 FEBRUARY 2019
DWG NO. : 10
DRAWN BY : Angel



Report to the Waverley Local Planning Panel

Application number	DA-070/2019
Site address	13 Reina Street, North Bondi
Proposal	Demolition of dwelling and construction of a two storey plus basement dual occupancy, in-ground swimming pools and strata subdivision
Date of lodgement	6 March 2019
Owner	Mr M Airth and Ms H Airth
Applicant	Third Wave Design P/L
Submissions	Three
Cost of works	\$1,373,036.00
Issues	Floor space ratio; rear setbacks; submissions
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 18 April 2019.

The site is identified as Lot 26 in DP 8538, known as 13 Reina Street, North Bondi. The site is rectangular in shape with a western frontage to Reina Street measuring 12.575m. The site has an area of 459.6m² and falls from its rear, eastern portion towards its front, western portion by approximately 3m.

The site is occupied by a single storey dwelling house with vehicular access provided from Reina Street and a freestanding single brick vehicle garage located within the rear yard.

The subject site is adjoined by dwelling houses to the north at 15 Reina Street and to the south at 11 Reina Street. The locality is predominantly characterised by low density residential development including dwelling houses, semi-detached dwellings and dual occupancy development.



Figure 1: Site viewed from Reina Street.

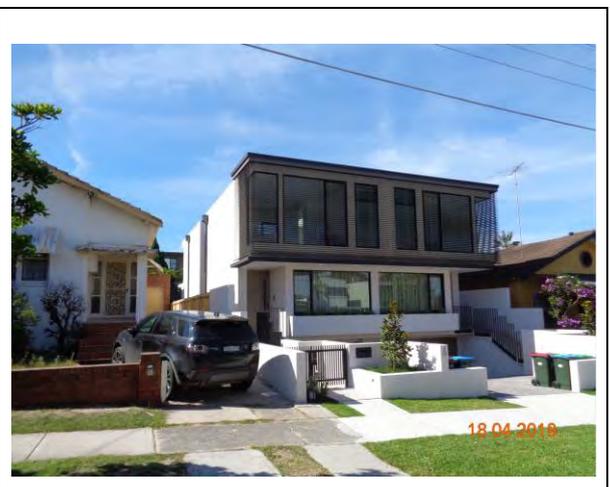


Figure 2: Site viewed with 11 Reina St.



Figure 3: Rear of site, showing adjoining premises to the south and north of the subject site.

1.2 Relevant History

No relevant previous development applications exist.

Surrounding Development History:

11 Reina St: DA-183/2015 - Demolition of dwelling, construction of an attached dual occupancy development including swimming pools and Strata subdivision. Approved by WDAP on 16 December 2015

1.3 Proposal

The application seeks consent to demolish all existing structures on the land and construct a two storey plus basement dual occupancy together with Strata subdivision.

Specific details of the proposal are as follows:

- Demolition of a single storey dwelling house, garage/ outbuilding and fencing;
- Construction of a two storey dual occupancy, each comprising basement garage parking for two vehicles (stack mode) along with various storage areas, internal lift, three bedrooms, and in-ground swimming pools;
- Fencing;
- Landscaping;
- Maintain existing mature plantings within adjacent verge; and
- Creation of new vehicle crossings.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements <ul style="list-style-type: none"> 450m² 	Yes	The subject land measures 459.6m ² , thereby exceeds the minimum site area required for two attached dwellings.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal has a height of 7.7m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.6:1 or 275.8m² Site: 459.6m² 	No	The proposal has an FSR of 0.76:1 (352m ²), exceeding the development standard by 76.2m ² or 27.6%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation	Yes	Council's Tree officer has reviewed the proposal and the proposed tree removal is supported as the trees possess no outstanding attributes worthy of retention (due to poor health, poor structure and under 5 metres). There is a young <i>Cupaniopsis anarcardioides</i> (tuckeroo) (4m in height) situated on the nature strip. The tree is in good health. It has a long ULE (Useful Life Expectancy) and high

Provision	Compliance	Comment
		landscape significance. This tree is to be retained and protected.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation to a maximum depth of approximately 1.8m to accommodate the garage and services areas at basement level, setback a minimum distance of 1.5m from allotment boundaries.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.76:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4A of Waverley LEP 2012 by 76.2m² in gross floor area or 27.6%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposal has a two storey appearance (above a garage level) when viewed from the street, which is typical of the recently constructed existing development at 11 Reina St. The impact of the additional areas is minimised by its location within the proposal.
- The proposed density is compatible with several adjacent properties within Reina St and adjoining area with FSRs exceeding the floor space ratio control. Table 2 below lists properties in close proximity to the subject site along with the approved FSR.

Address	DA	FSR approved
11 Reina St	DA-183/2015	.74:1
13 Reina St (subject site)	DA-70/2019	.76:1 proposed
17 Murriverie Rd	DA-61/2018	.67:1
26 Clyde St	DA-251/2016	.8:1
16 Owen St	DA-327/2018	.81:1
10 Hardy St	DA-45/2019	Proposed .72:1

Table 2: FSR table of existing and proposed development

- Although the proposal exceeds the FSR development standard, the proposed development represents an appropriate bulk and scale within the context of the locality.
- The development is compliant with the 8.5 metre maximum building height development standard. The additional GFA does not discernibly contribute to the visual bulk of the building when viewed from the public domain. Accordingly, the proposal satisfies objective (b).

- The existing streetscape was a key consideration in the design of the proposed dwelling and how it is presented to the street. The proposed FSR is in keeping with the existing bulk, scale and character of the locality. The proposed dual occupancy will replace a dwelling that is ageing and inconsistent with the form of development in the locality. The proposal will provide a two storey built form that has been designed to relate to the constraints of the subject site. The proposal has also been designed to incorporate a moderate level of articulation to break up the bulk of the building and provide visual relief to neighbouring dwellings and the streetscape. Importantly, the proposal will present a form that is consistent with the desired future character of the area and responds to the character of existing development in the locality. Accordingly, in our opinion, the proposal is compatible with the bulk, scale, streetscape and existing character of the locality and is consistent with objective (c).
- The dwellings have been designed to minimise potential environmental amenity impacts on neighbouring properties. Potential privacy impacts have been minimised by orientating habitable rooms and private open space away from neighbouring properties to the north and south. As adjoining properties either have limited windows facing side boundaries, the proposed north and south facing windows at No. 13 Reina St will not result in unreasonable overlooking. The shadow diagrams that accompany the submission also indicate that there are no unreasonable impacts in respect of solar access, notwithstanding the east-west orientation of existing allotment. In addition, there are not likely to be any views that are impeded as a result of the proposal. Accordingly, the proposal will preserve the environmental amenity of the surrounding neighbouring properties and the locality and satisfies objective (d).
- The consistency with the objectives of the standard, and the absence of any environmental impacts, demonstrates that strict compliance with the maximum FSR standard is both unreasonable and unnecessary in this instance.
- The proposed dwelling is of a similar built form and character to development in the locality. A dwelling with a smaller FSR may have a reduced presentation to the street, which would be incongruous with surrounding development and represent a poor urban design outcome. Accordingly, it is considered, the proposed FSR is an appropriate and necessary response to the context of the locality and compliance with the development standard is unnecessary.
- The Standard has not been abandoned or destroyed, however, there are numerous examples of developments including new dwellings and dual occupancies in the Waverley LGA and in the vicinity of the site, which have been approved with non-compliances with the FSR Development Standard. Accordingly, in addition to **Table 2**, which lists the approved FSR of development within close proximity to the subject site, the above list indicated DA's within the Waverley LGA which have been supported by Council staff and the Panel and subsequently approved with FSR on similar arguments as those made in this Clause 4.6 Variation.
- The proposal is consistent with the relevant zone objectives and satisfies a number of the 'unreasonable and unnecessary' tests established by the Court in *Wehbe*. Accordingly, it is considered, the non-compliance will not be inconsistent with existing and future planning objectives for the locality. For these reasons outlined above, there are sufficient planning grounds to justify contravening the development standard in the circumstances of the case.

- For these reasons the variation is appropriate, consistent with the intent of Clause 4.6 and should be supported.

Relevant matters to be considered in accordance with subclauses (3) and (4) are addressed below:

Clause 4.6, 3(a) that compliance is unreasonable or unnecessary in the circumstances of the case

The objectives of the floor space ratio development standard are to: achieve a correlation between maximum building height and density controls; ensure buildings are compatible with the bulk, scale, streetscape and desired future character of the locality; and establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Whilst the proposal exceeds the maximum permissible floor space ratio of 0.6:1, the variation in floor area does not result in any significant detrimental amenity impacts upon adjoining properties. Further, the proposal is of a built form which is commensurate with the scale of development within Reina Street and the wider locality. Accordingly, strict adherence to the development standard is unnecessary and the non-compliance is supported on merit.

Clause 4.6 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard; and

The proposal is considered to comply with the objectives of the floor space ratio development standard, as the building is compatible with the height, bulk and scale of adjoining buildings, and environmental amenity impacts upon neighbouring properties are minimised. Accordingly, sufficient planning grounds exist to justify contravening the standard.

Clause 4.6 4(a)(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant’s written request adequately addresses the matters required under subclause 3.

Clause 4.6 4(a)(ii) the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.

The proposal complies with the objectives of the floor space ratio development standard, along with the objectives of the R2 Low Density Residential zone in providing housing in a form that is compatible with its low density residential environment. Accordingly, the proposal is deemed to be in the public interest and the variation in floor space ratio is supported.

2.1.4 Waverley Development Control Plan 2012 – Amendment 6

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted and is deemed satisfactory.

Development Control	Compliance	Comment
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate. The proposal is consistent with the objectives and controls of this part of the DCP.
5. Tree preservation	Yes	Council's Tree Officer has advised that the proposal is satisfactory subject to the imposition of conditions.
6. Stormwater	Yes	Council's Stormwater Engineer has advised that the proposal is satisfactory with respect to stormwater collection, retention and disposal. Suitable conditions are recommended.
8. Transport	Yes	The proposal includes the provision of two separate driveways to service each dwelling in lieu of a central driveway so as to retain a street tree, which is supported by Council's Traffic Engineers and Strategic Tree Management Officer subject to the imposition of conditions of consent.
10. Safety	Yes	Each dwelling is provided a clearly identifiable entry from the street. Furthermore, each dwelling consists of large front windows which overlook the street frontage. Accordingly, the proposal is consistent with the objectives and controls of this part of the DCP.

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

Development Control	Compliance	Comment
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	Yes	Except for a minor variance towards the front of the building, the proposal does not exceed 7.5m in height above ground level (existing).
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes See discussion	The dwellings have a generally consistent front setback with the adjoining buildings on either side. The rear building setbacks of the proposed development, are considered in the detailed discussion part of this section of the report.

Development Control	Compliance	Comment
<p>unless direct views are screened or other appropriate measures are incorporated into the design.</p> <ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p> <p>Yes</p>	<p>No external stairs proposed.</p> <p>No balconies proposed. A condition is recommended requiring the roof of the ground floor family room to be non-trafficable at all times.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p>	<p>The amount of shadow cast upon neighbouring properties is typical of a two storey dwelling having regard to the orientation of the site and lay of the land.</p> <p>The site has an east (rear) and west (front) orientation and the property to the south is at a lower level on the slope of Reina Street. Whilst some additional overshadowing results to 11 Reina Street, the degree of impact complies with the DCP control.</p> <p>Shadow diagrams illustrate that the rear open space of the property to 11 Reina Street will receive the minimum solar access requirements.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p>	<p>No loss of views are anticipated as a result of the proposed development.</p>
2.8 Car parking		
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	<p>Yes</p>	<p>Each dwelling has three bedrooms, therefore the provision of a double garage for each dwelling is satisfactory. It is noted that a car could be parked within the driveway; however, a condition requiring further landscaping of the driveway is recommended. In addition, the</p>

Development Control	Compliance	Comment
		<p>garage is stacked and therefore gives the appearance of a single space.</p> <p>It is noted that 11 Reina Street was approved with a double garage and a driveway to the front.</p>
<p>2.8.3 Location</p> <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	Yes	Garage doors are setback 1m behind the front building line and consistent with the hierarchy of preferred car parking locations.
2.8.4 Design	Yes	The siting and design of garages complements the style of the building and the streetscape.
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Minimum dimensions are achieved.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	No (acceptable on merit and supported by Council's Engineers and Council's Tree Officer)	<p>The application proposes a driveway for each dwelling proposed in the dual occupancy development. This however, is satisfactory, given that it results in the retention of the street tree. One on street car space will be lost as a result of the proposal. This is discussed in the Issues section below.</p> <p>Note: The driveway forms part of the front yard area landscaping with the driveway comprising of a unitary permeable driveway surface.</p>
1.5 Dual occupancy development		
<p><i>Minimum lot size:</i></p> <ul style="list-style-type: none"> • 450m² for attached <p><i>Appearance:</i></p> <ul style="list-style-type: none"> • Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling. 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> • The subject site has a lot size of 459.6m². • From the street, the proposed building has the appearance of a single dwelling.

Development Control	Compliance	Comment
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Yes	<ul style="list-style-type: none"> • Overall open space is 53% of site area • Overall landscaped area is 15% of site area • >25m² of private open space is provided to the rear of the building for each dwelling • 100% of front building setback area is open space • 75% of provided front open space is landscaped
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> • Located in the rear of property 	Yes	<p>Proposed in-ground swimming pools are sited to the rear of the building and not within 900mm of side or rear boundaries.</p> <p>Ancillary pool equipment is located within acoustic enclosures. Suitable conditions are recommended.</p>

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

Setbacks - Predominant rear building line at each floor level

The applicant has conducted their own analysis of the predominant rear building line as shown on Architectural Drawings No. 1.02 & 1.03 – Amend B, which suggests the rear setback of the ground floor level aligns with the predominant rear building line. **Figure 4** below of an aerial photograph of the site and the surrounding buildings assists to indicate the predominant rear building line.

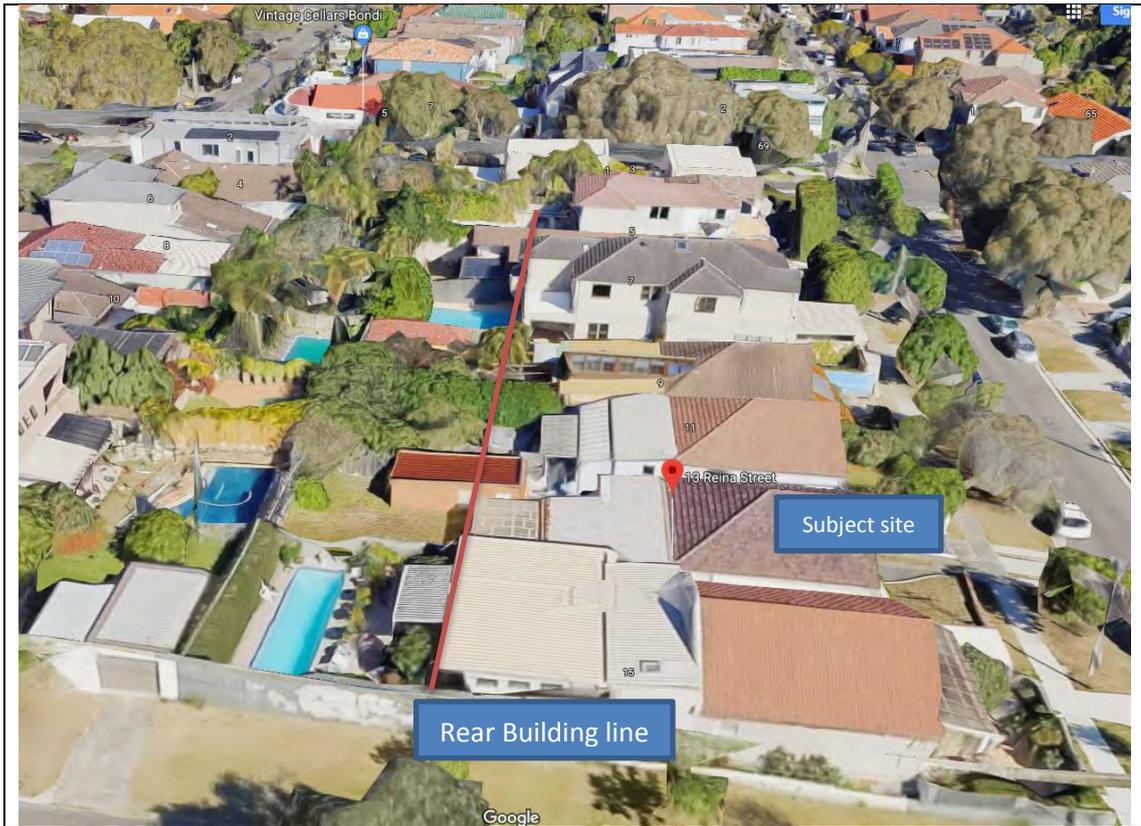


Figure 4: Aerial photograph of subject site and surrounding buildings north and south of the site situated on the eastern side of Reina Street

Table 5 below shows the measurement of the overall rear building setbacks of surrounding buildings on ground floor level that establish the predominant rear building line. The setbacks are measured from the rear boundary of the properties to either a building wall or supporting posts of a verandah or pergola roof attached to a principal building (i.e. dwelling house), whichever distance is the shortest. These reference points are consistent with the definition of building setback or line under Waverley LEP 2012. The measurements exclude any outbuilding, such as garages and sheds.

The measurements are based on the setback analysis shown on Architectural Drawing No. 1.02 & 1.03 Amend B, and the site survey.

Table 5: Rear setback measurements of surrounding buildings on ground and upper floor levels

Property	Location relative to subject site	Setback
15 Reina Street – single storey	Adjoining to the north	10.36m
13 Reina Street – double storey	Subject site - proposed	G flr – 8.8 1 st flr - 11.4
11 Reina Street - double storey	Adjoining to the south	Gflr - 10.3m 1 st flr – 12.3
9 Reina Street - single storey	Two properties to the south	11.8m
7 Reina Street - double storey	Three properties south	G flr - 10m 1 st flr - 10m

The average rear ground floor setback = 10.2m. The average rear 1st floor setback is 11.15m.

Controls (a) and (b) in section 2.2.1 of Part C2 of Waverley DCP 2012 require the predominant rear building line to extend no further than the front and rear predominant building lines, including ground and first floor levels. In considering the neighbouring properties in **Table 5**, the midpoint rear building setback of the ground floor level of the proposed development is 8.855m being 1.245m less than the average rear setback (10.2m), which determines the predominant rear building setback. The extent of the protrusion is numerically unacceptable.

A condition is recommended to increase the rear ground floor setback, at the midpoint of the site, to 10.2m. This will also reduce the floorspace by 8m² to 343m² (.75:1) thereby reducing the variation to 68m² (25%).

Control (d) in section 2.2.1 of Part C2 of Waverley DCP 2012 sets out criteria to permit a built structure to protrude beyond the predominant rear building line, primarily including compliance with principal built form controls such as FSR, building height, side building setback, open space and landscaped area. The increased rear building setback will result in a reduction of the overall FSR of the development, which has been deemed acceptable under clause 4.6 of Waverley LEP 2012 as demonstrated in section 2.1.3 of the report. The development complies with the remaining principal built form controls as demonstrated in **Tables 1** and **4** of the report.

The rear setback of the first floor level of the proposed development steps in from the ground floor level of the development and achieves an overall rear building setback of 11.435m, which is a greater setback to the average setback of 11.15m and is therefore acceptable. The stepping in approach of the rear setback of the first floor level assists to offset the perceived building bulk and scale of a two storey building when viewed from the rear yards of the adjoining properties to the north and south of the site. Further, the approach minimises the amount of additional overshadowing of the rear yard of the adjoining property to the south of the site at 11 Reina Street. The rear building setbacks on ground and first floor levels of the development have no consequence on visual and acoustic privacy impacts.



Figure 5: Rear yard and rear elevation of 2/11 Reina St looking north-west. The existing garage wall located on the common boundary will be demolished and the existing paling fencing, located above the retaining wall, extended.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

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

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

Table 2: Summary of property addresses that lodged a submission

Property
11 Reina St
1/12 Reina St
14 Nancy St

Issue: Loss of on-street parking

Response: The objector is concerned as to the loss of on-street parking. There will be a loss of one on-street carspace as a result of maintaining the existing mature street tree on the recommendation of Council's Strategic Tree Management Officer. However, four off-street spaces will be provided.

Issue: Rear building line

Response: This issue has been discussed above and is considered acceptable subject to a recommended amendment.

Issue: Floor space ratio

Response: This issue has been discussed above and is considered acceptable.

Issue: Overshadowing

Response: Due to the unfavourable site orientation (side boundary is facing north), private open space will only receive partial sunlight throughout the day. Living areas within the subject dwelling will likely receive some sunlight throughout the morning.

The shadows prepared by the architect demonstrate that the adjoining property to the south, at No. 11 Reina Street will receive approximately 2.5 hours of direct sunlight between 9am and 11.30pm. The northern side elevation of No. 11 Elvina Street will also experience additional shadowing throughout the day, despite the compliant side and rear setbacks, as well as building height. This demonstrates that the extent of overshadowing is a result of unfavourable site orientation rather than a non-compliant built form.

Whilst it is acknowledged that there will be some additional shadowing throughout the day, this is considered acceptable given the site orientation (being located to the south) and conditioned building setbacks and compliant building height.

Issue: Bulk

Response: The building bulk and scale of the proposed development is deemed consistent with the desired future character of the street, envisaged through the planning controls and objectives of these controls contained in Waverley LEP 2012 and Waverley DCP 2012. Further, the proposed development has a satisfactory streetscape presentation.

Issue: Privacy

Response: The objector has requested privacy be maintained to the internal courtyard area of 2/11 Reina St. The proposed windows on the southern side elevation of the subject property are of a domestic scale and are limited in number. The windows at ground floor level are hi-light windows and the remaining windows are lower than the 1.8m side boundary fence. There is only one upper floor window that has direct view into the internal courtyard of 2/11 Reina St and that is from a

bathroom. A condition shall be imposed requiring that the bottom two glass panels be opaque or obscure glazing.

Issue: Driveway

Response: The provision of two driveways is supported by Council's Engineers and Strategic Tree Management Officer so as to retain the existing mature street tree.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways

The application has been reviewed and is supported, subject to conditions.

3.2 Stormwater

The application has been reviewed in relation to stormwater and is considered to be acceptable, subject to conditions.

3.3 Strategic Tree Planning / Tree Technical Officer – Community, Assets and Operations

Situated on the above property were several species of trees, it was noted that the trees possess no outstanding attributes worthy of retention (due to poor health, poor structure and under 5 metres) and their removal is supported.

Situated on the nature strip is one young *Cupaniopsis anarcardioides* (tuckeroo). The tree is 4 metres in height with a canopy width of 4 metres. The tree is in good health. It has a long ULE (Useful Life Expectancy) and high landscape significance. It is to be retained and protected. Suitable conditions are recommended.

3.4 Land Information Officer – Information Management and Technology

Suitable conditions are recommended regarding allocation of street numbers.

4. SUMMARY

The proposal seeks consent for demolition of the existing dwelling and structures, and construction of a dual occupancy development together with garages, in-ground swimming pools and Strata subdivision.

The proposal complies with the height of buildings development standard; however, it breaches the FSR development standard by 27.6%. It is recommended that the floorspace be reduced at ground floor level to comply with the average rear building line setback, thereby reducing the FSR development standard breach to 25%. The FSR non-compliance is supported as the considerations of Clause 4.6 are satisfied.

Three submissions were received and are discussed above. The issues raised have been addressed by conditions of consent, or are unreasonable and unjust.

No Councillor submissions were received.

The proposal is considered to represent an economic and orderly development that is substantially compliant with the objectives of the LEP and DCP and is supported subject to the imposition of conditions.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

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

Paul Yachmennikov
Senior Development Assessment Planner

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

Date: 8/05/2019

Date: 15 May 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Amended Architectural Plans prepared by Third Wave Design:

Title	Drawing No.	Dated	Received by Council
External finishes	0.03– A	21/02/19	1 May 2019
Site Plan	1.00 – B	26/04/19	1 May 2019
Basement Floor Plan	1.01– A	21/02/19	1 May 2019
Ground Floor Plan	1.02 – B	26/04/19	1 May 2019
Level 1 Floor Plan	1.03 – B	26/04/19	1 May 2019
Roof Plan	1.04 - B	26/04/19	1 May 2019
Sections A & B	2.01 – B	26/04/19	1 May 2019
West Elevation	3.01 – B	26/04/19	1 May 2019
North Elevation	3.02 – A	21/02/19	1 May 2019
East Elevation	3.03 – B	26/04/19	1 May 2019
South Elevation	3.04 – A	21/02/19	1 May 2019

- (b) BASIX Certificate;
- (c) Stormwater Plan/Dwg nos. SW01, SW02-A and SW03 prepared by Australiawide Consulting Services P/L dated 4/03/2019 and received by council on 6 March 2019;
- (d) Landscape Plan/Dwg no. LP010319-Issue 1 (sheets 1 – 5) prepared by Cerra Flora Landscape services dated 1/03/2019 and received by council on 6 March 2019;
- (e) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (f) Strata Plan (SP Draft) prepared by Eric Scerri dated 5/03/2019 and received by council on 6 March 2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The rear ground floor external wall setback is to be increased from 8.855m to a minimum setback of 10.2m and the associated rear terrace roof moved back respectively which is to remain at maximum 3.0m depth, so as to comply with the objectives of the Waverley Development Control Plan 2012.
- (b) To preserve the amenity of the adjoining site to the south, the bathroom window (B/11), is to have obscure/opaque glazing within the bottom two sections of the window to.

- (c) Strata Plan (SP Draft) prepared by Eric Scerri dated 5/03/2019 is to be amended to reflect condition 2(a).
- (d) The materials of each driveway within the boundary are to be amended to provide wheel strips with deep soil landscaping in between.

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

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. NON-TRAFFICABLE ROOF

The roof of the family room, extending from Bedroom 1 is to be non-trafficable at all times.

4. BONDI - ROSE BAY SAND BODY

This site is 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. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$20,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. TREE PRESERVATION BOND

A bond of \$5,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

8. LONG SERVICE LEVY

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

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

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

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

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

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

10. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

11. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

12. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.

- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste docket 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.

14. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

15. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

16. ENGINEERING DETAILS

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

17. LONG SECTION OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Reina Street carriageway, the kerb and gutter, footpath, paving within the property boundary and the garage floor.
- (c) Include existing and design levels.
- (d) 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.
- (e) Show paving at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the driveways.
- (f) Show all paving on Council's land being sloped/ drained towards the roadway.

18. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

19. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties

should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

20. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

21. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located behind the front building line and if visible suitably screened
- (b) Not be adjacent to neighbouring bedroom windows.
- (c) Not reduce the structural integrity of the building.
- (d) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
- (e) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- (f) (ii) before 7.00am and after 10.00pm on any other day.

- (g) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (h) Have sufficient manual or automated controls so it is used only when required;
- (i) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (j) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (k) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

22. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

23. PRIOR TO SITE WORKS

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

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

24. HOME BUILDING ACT

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

25. CONSTRUCTION SIGNS

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

26. OBSTRUCTION TO PUBLIC AREAS

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

27. COMPLIANCE WITH SAFE WORK NSW

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

28. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

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

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

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

29. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

31. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

32. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

33. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

34. EXCAVATION BELOW FOOTINGS

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

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

35. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste.

For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

36. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (d) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

37. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

38. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

40. NATIONAL CONSTRUCTION CODE (NCC)

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

41. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

42. CERTIFICATE OF SURVEY - LEVELS

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

43. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

44. SERVICE PIPES

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

45. STREET TREE PRESERVATION

The existing *Cupaniopsis anarcardioides* (tuckeroo) tree on the naturestrip at the front of the property is to be protected for the duration of the construction works.

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.

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

46. TREE PROTECTION

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

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

- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

47. NEW VEHICLE CROSSINGS

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

48. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of a vehicle entering and exiting the each of the garages from Reina Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

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 Reina Street both opposite and to the immediate north and south of the proposed driveways.
3. Show the minimum length of driveway laybacks considered necessary to gain satisfactory access to and from the proposed garages.
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 northern side wing of the existing driveway at No.11 and the southern side wing of the proposed driveway at No.13
6. Accurately show the clearance from the existing street tree in Reina Street.

49. WORK OUTSIDE PROPERTY BOUNDARY

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

50. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.

- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

51. NO WORKS BEYOND BOUNDARIES

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

52. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

53. SUBDIVISION

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

54. FINAL OCCUPATION CERTIFICATE

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

55. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the

requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

56. TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as 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 in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

57. ALLOCATION OF STREET NUMBER

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

The primary address number and location for the common property strata:

- 13 Reina Street, North Bondi

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

- No. 13A for the south allotment correlating with Lot 1 on the draft strata floor for the building,
- No 13B for the north allotment correlating with Lot 2 on the draft strata plans for the building.

The premises number for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point for each lot and be clearly visible on the site boundary that front Reina Street.

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The premises numbers are to be positioned on the site prior to the issue of the Subdivision Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.

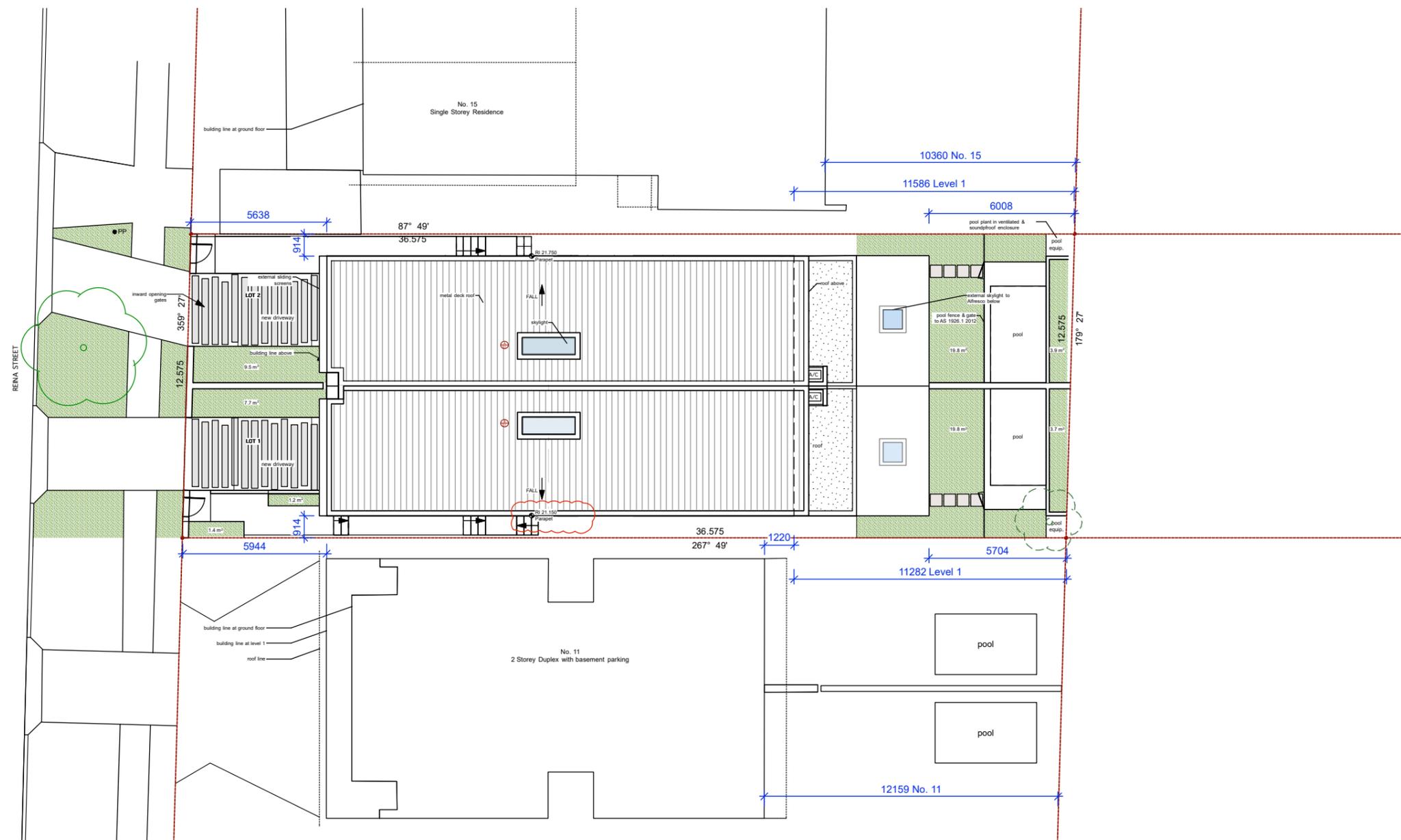
58. ON-SITE STORMWATER DETENTION DETAILS

- (a) Prior to issuance of occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been **constructed** in accordance with the approved stormwater management plans and to best engineering practice.
- (b) Under the current design, the orifice diameter to be 50mm for LOT 1.
- (c) Under the current design, the orifice diameter to be 55mm for LOT 2.

AMENDED PLANS



1 Indicative Draft Strata Subdivision Plan
1:200@A3



2 Site Plan
1:200@A3

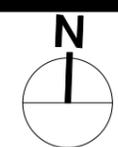
CLIENT
**IOM Developments/
Airth Family Trust**
ADDRESS
13 Reina St, Nth Bondi

PROJECT NO.
1914

NOTE:
CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION
ALL BUILDING WORK TO COMPLY WITH AUSTRALIAN STANDARDS & THE BUILDING CODE OF AUSTRALIA

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AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
	1	21/02/19	Initial Issue
	2	26/04/19	Parapet RL amd.



TITLE Site Plan

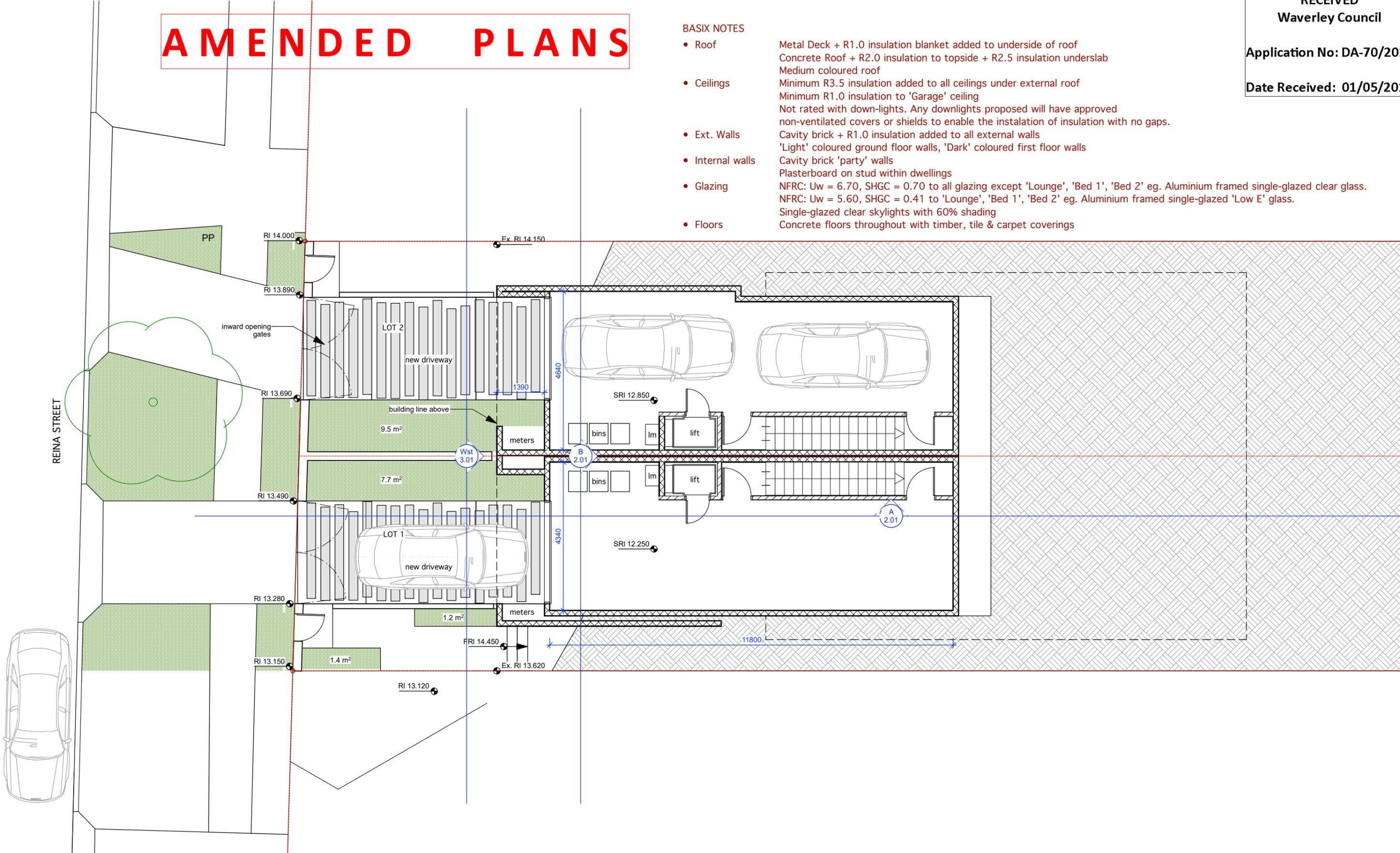
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TYPE	NUMBER	AMENDT
	1.00	B
PURPOSE	Development Application	

AMENDED PLANS

BASIX NOTES

- Roof: Metal Deck + R1.0 insulation blanket added to underside of roof
Concrete Roof + R2.0 insulation to topside + R2.5 insulation underslab
Medium coloured roof
- Ceilings: Minimum R3.5 insulation added to all ceilings under external roof
Minimum R1.0 insulation to 'Garage' ceiling
Not rated with down-lights. Any downlights proposed will have approved non-ventilated covers or shields to enable the installation of insulation with no gaps.
- Ext. Walls: Cavity brick + R1.0 insulation added to all external walls
'Light' coloured ground floor walls, 'Dark' coloured first floor walls
- Internal walls: Cavity brick 'party' walls
Plasterboard on stud within dwellings
- Glazing: NFRC: $U_w = 6.70$, $SHGC = 0.70$ to all glazing except 'Lounge', 'Bed 1', 'Bed 2' eg. Aluminium framed single-glazed clear glass.
NFRC: $U_w = 5.60$, $SHGC = 0.41$ to 'Lounge', 'Bed 1', 'Bed 2' eg. Aluminium framed single-glazed 'Low E' glass.
Single-glazed clear skylights with 60% shading
- Floors: Concrete floors throughout with timber, tile & carpet coverings



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AMENDMENTS

REVISION	DATE	AMENDMENT DESCRIPTION
1	21/02/19	Initial Issue



TITLE Basement Plan

SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	1.01	A
PURPOSE	Development Application	

AMENDED PLANS

No. 15
Single Storey Residence

BASIX NOTES

- Roof: Metal Deck + R1.0 insulation blanket added to underside of roof
Concrete Roof + R2.0 insulation to topside + R2.5 insulation underslab
Medium coloured roof
- Ceilings: Minimum R3.5 insulation added to all ceilings under external roof
Minimum R1.0 insulation to 'Garage' ceiling
Not rated with down-lights. Any downlights proposed will have approved non-ventilated covers or shields to enable the installation of insulation with no gaps.
- Ext. Walls: Cavity brick + R1.0 insulation added to all external walls
'Light' coloured ground floor walls, 'Dark' coloured first floor walls
- Internal walls: Cavity brick 'party' walls
Plasterboard on stud within dwellings
- Glazing: NFRC: Uw = 6.70, SHGC = 0.70 to all glazing except 'Lounge', 'Bed 1', 'Bed 2' eg. Aluminium framed single-glazed clear glass.
NFRC: Uw = 5.60, SHGC = 0.41 to 'Lounge', 'Bed 1', 'Bed 2' eg. Aluminium framed single-glazed 'Low E' glass.
Single-glazed clear skylights with 60% shading
- Floors: Concrete floors throughout with timber, tile & carpet coverings

RECEIVED
Waverley Council

Application No: DA-70/2019

Date Received: 01/05/2019

building line at ground floor

LOT 2

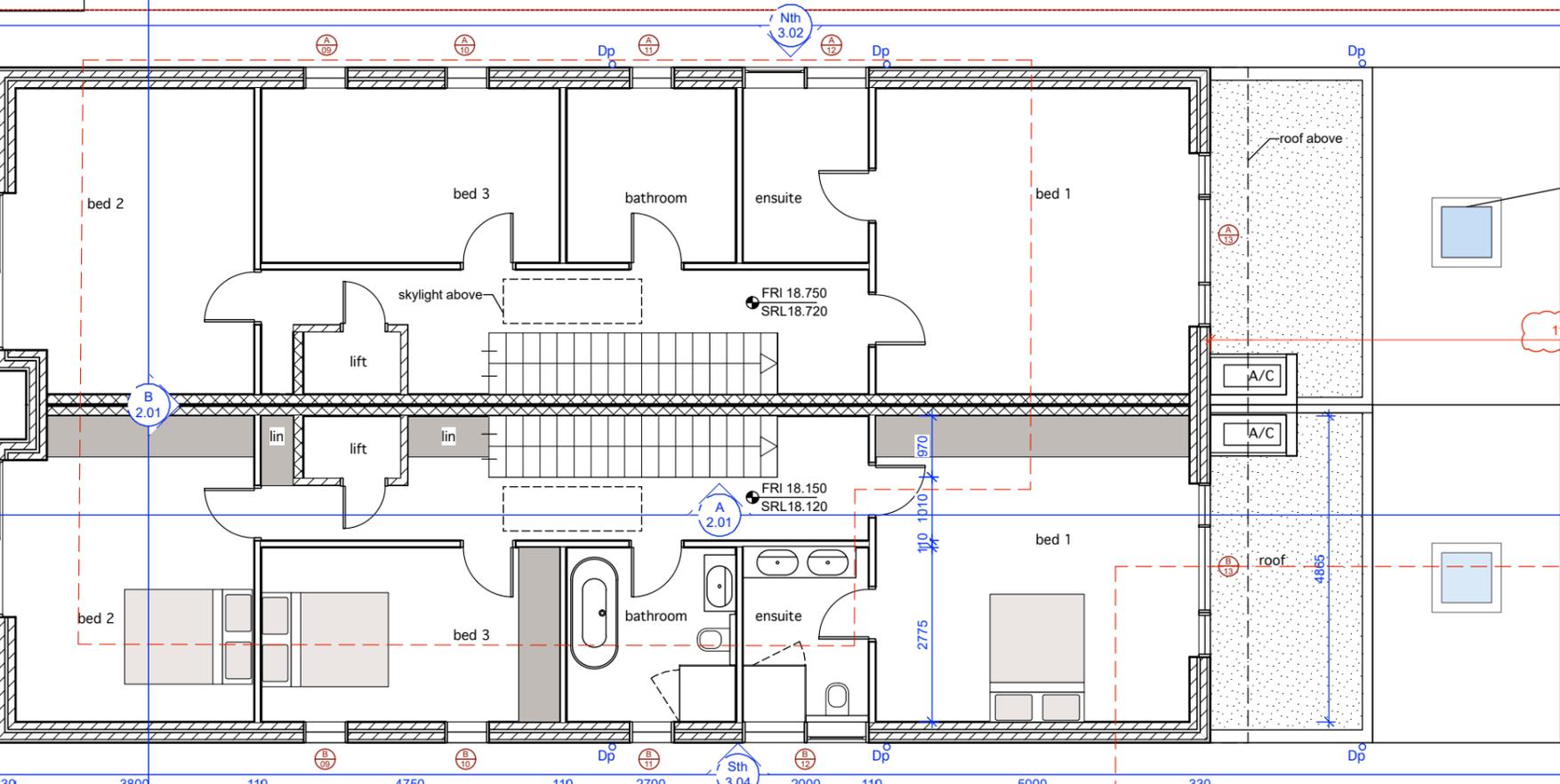
LOT 1

building line at ground floor

building line at level 1

roof line

No. 11
2 Storey Duplex with basement parking



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AMENDMENTS

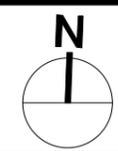
REVISION	DATE	AMENDMENT DESCRIPTION
1	21/02/19	Initial Issue
2	26/04/19	Rear setback notation amd.

TITLE Level 1 Plan

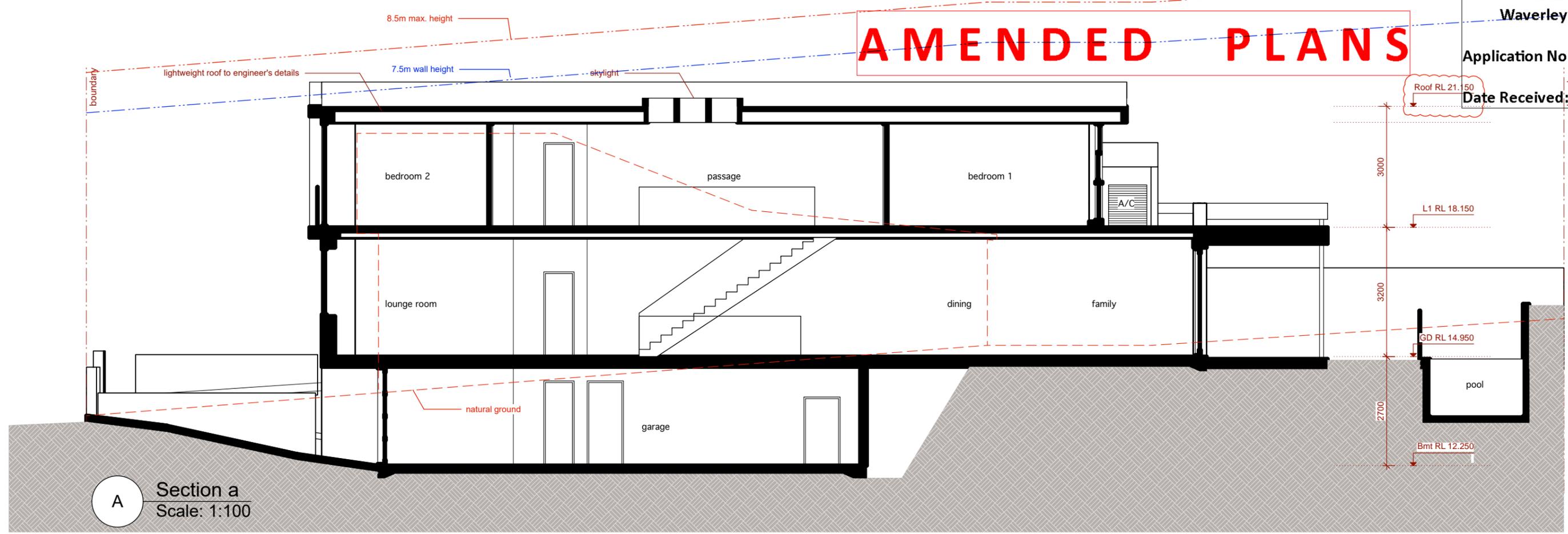
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TYPE NUMBER AMENDT
1.03 B

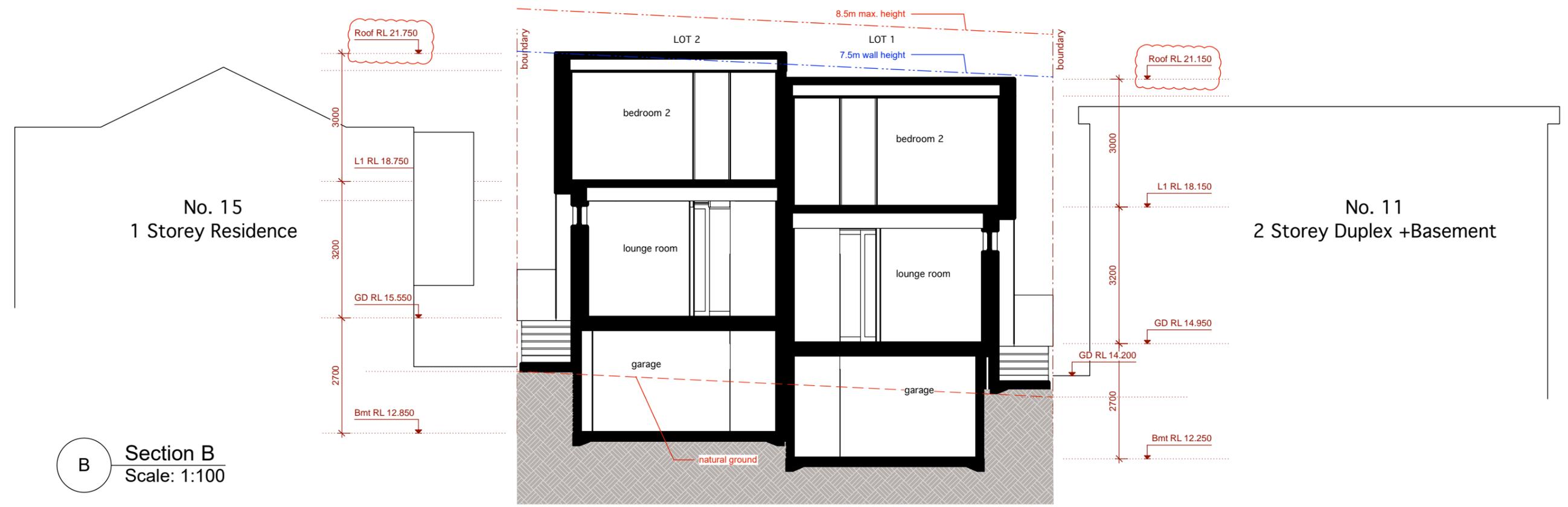
PURPOSE Development Application



AMENDED PLANS



A Section a
Scale: 1:100



B Section B
Scale: 1:100

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**IOM Developments/
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	2	26/04/19	Parapet RL's amd.

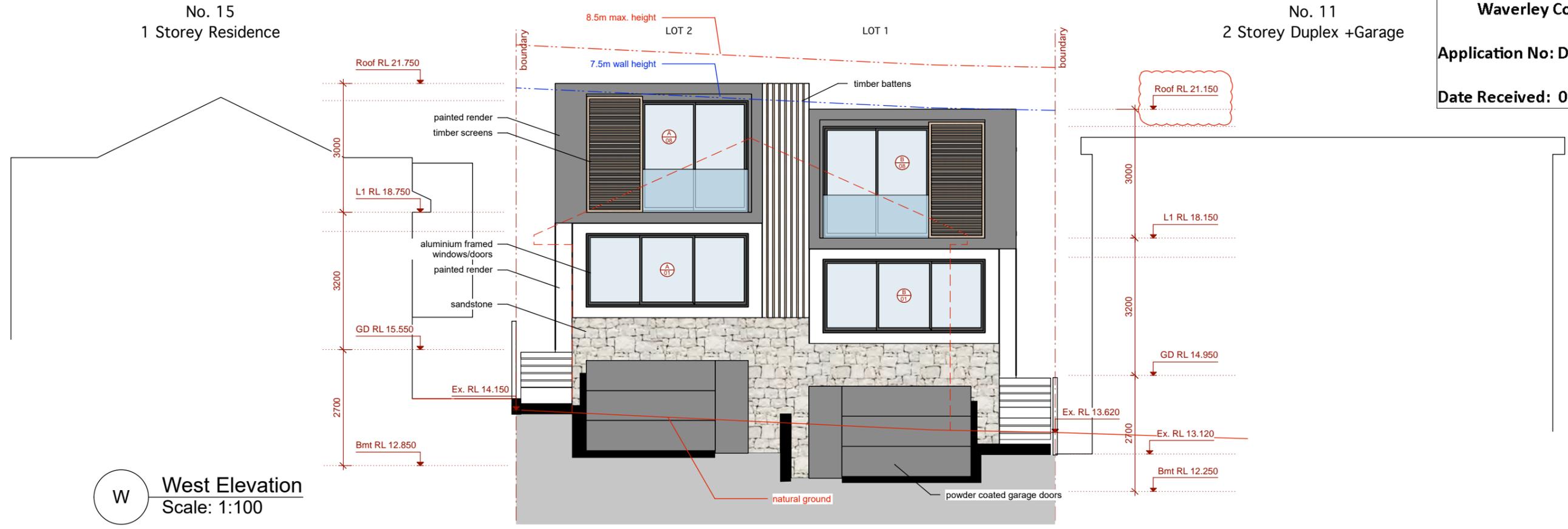
TITLE Sections A & B

SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	2.01	B
PURPOSE	Development Application	

No. 15
1 Storey Residence

No. 11
2 Storey Duplex +Garage



W West Elevation
Scale: 1:100

AMENDED PLANS



St Street Elevation
Scale: 1:100

CLIENT
IOM Developments/
Airth Family Trust
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AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
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TITLE West Elevation

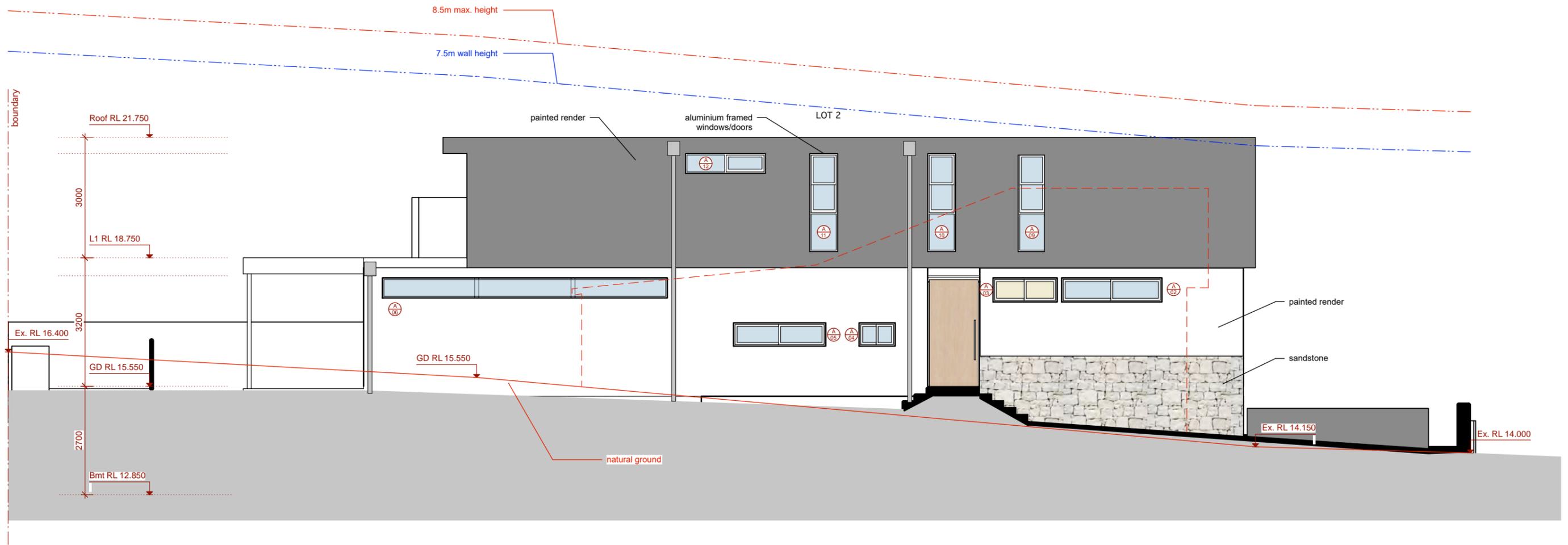
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TYPE	NUMBER	AMENDT
	3.01	B
PURPOSE	Development Application	

26.04.2019

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-70/2019
Date Received: 01/05/2019



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AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
	1	21/02/19	Initial Issue

TITLE North elevation

SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	3.02	A
PURPOSE	Development Application	

21.02.2019



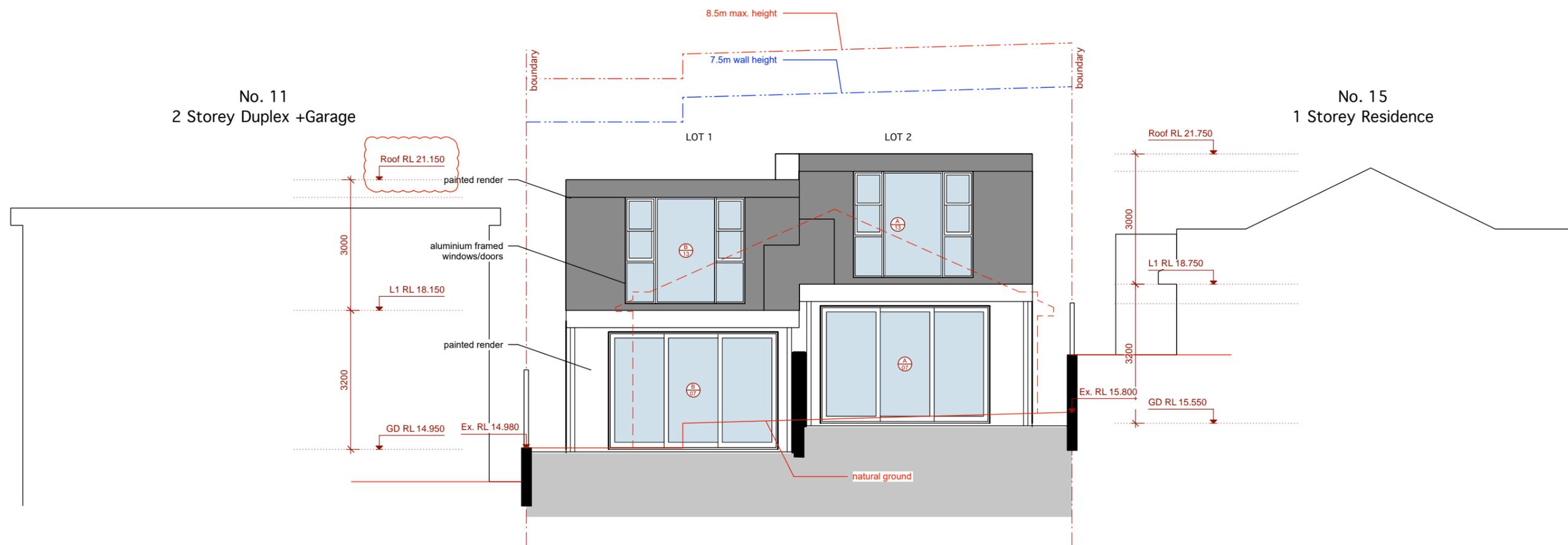
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AMENDED PLANS



E East Elevation
Scale: 1:100

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AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
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	2	26/04/19	Parapet RL Amd.

TITLE East Elevation

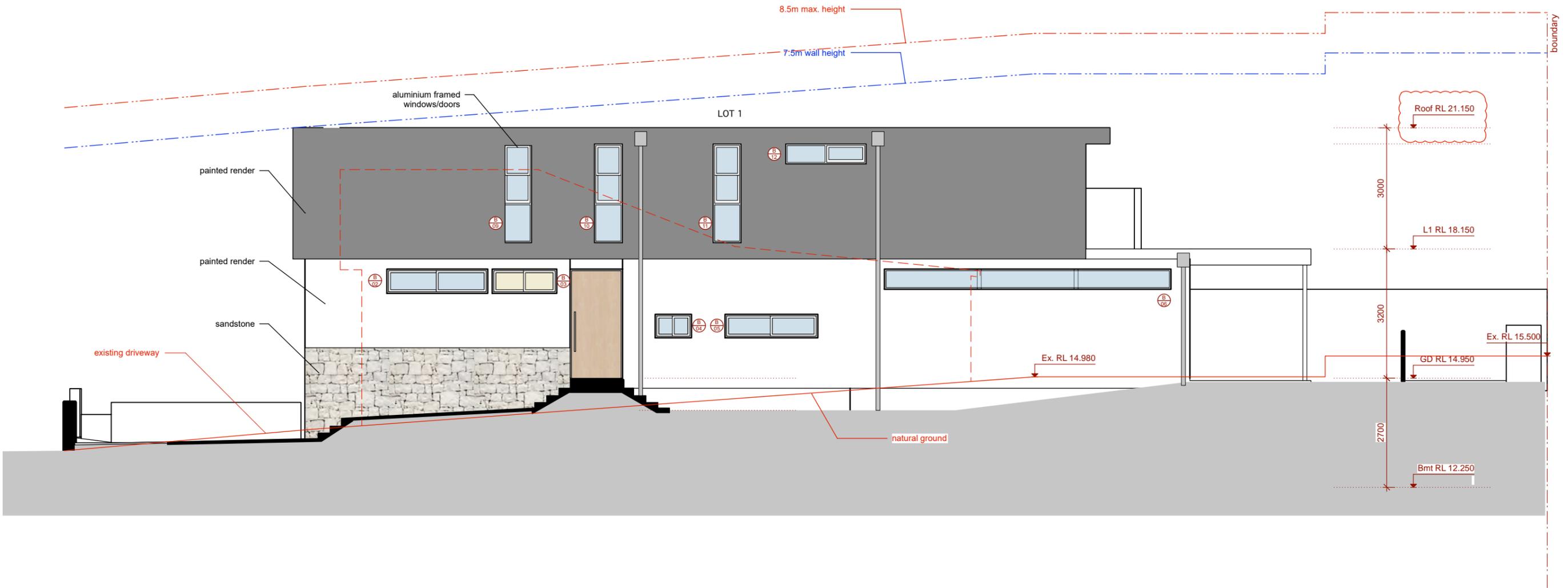
SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	3.03	B
PURPOSE	Development Application	

26.04.2019

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-70/2019
Date Received: 01/05/2019



CLIENT
**IOM Developments/
Airth Family Trust**
ADDRESS
13 Reina St, Nth Bondi

PROJECT NO.
1914

NOTE:
CONTRACTOR TO CHECK ALL DIMENSIONS ON
SITE PRIOR TO COMMENCING CONSTRUCTION
ALL BUILDING WORK TO COMPLY WITH
AUSTRALIAN STANDARDS & THE BUILDING CODE
OF AUSTRALIA

AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
	1	21/02/19	Initial Issue
	2	26/04/19	Parapet RL Amd.

TITLE **South Elevation**

SCALE **1:100 @ A3**

TYPE	NUMBER	AMENDT
	3.04	A
PURPOSE	Development Application	

21.02.2019



ABN 32 140 405 287

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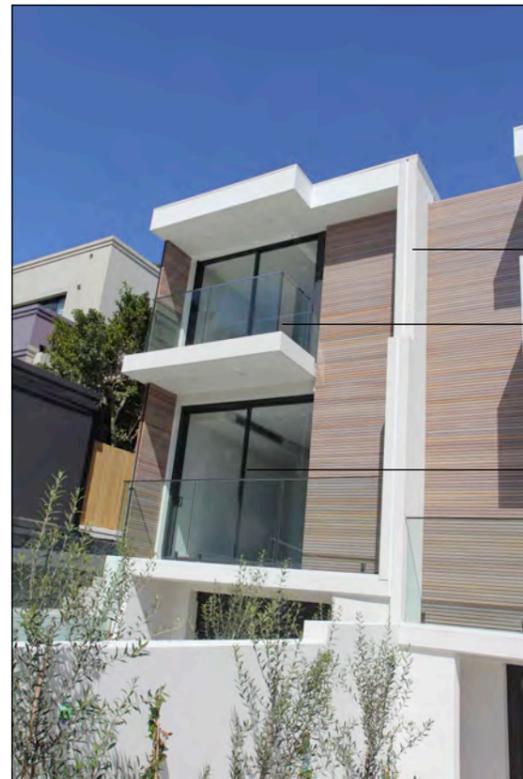




CHARCOAL RENDER



TIMBER DETAILS



WHITE RENDER

GLASS BALUSTRADES

ALUMINIUM FRAMED
DOORS & WINDOWS



METAL GATES



SANDSTONE WALL



CLIENT
IOM Developments/
Airth Family Trust
ADDRESS
13 Reina St, Nth Bondi

PROJECT NO.
1914

NOTE:
CONTRACTOR TO CHECK ALL DIMENSIONS ON
SITE PRIOR TO COMMENCING CONSTRUCTION
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OF AUSTRALIA

21.02.2019

AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
	1	21/02/19	Initial Issue

TITLE External Finishes

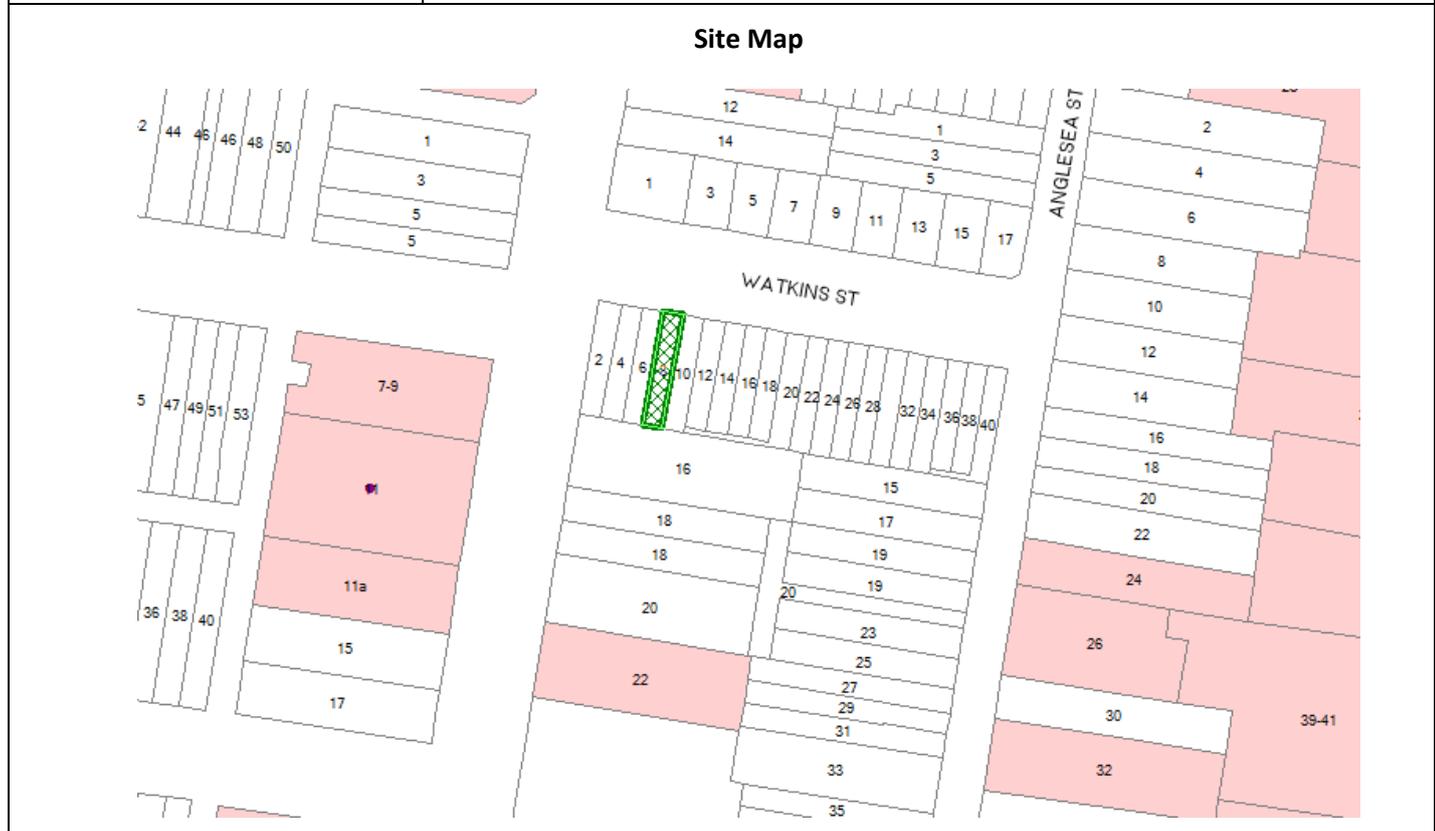
SCALE N/A @ A3

TYPE	NUMBER	AMENDT
	0.03	A
PURPOSE	Development Application	



Report to the Waverley Local Planning Panel

Application number	DA-453/2018
Site address	8 Watkins Street, BONDI NSW 2026
Proposal	Alterations and additions to single dwelling including part demolition and various other alterations
Date of lodgement	05-Dec-2018
Owner	Mrs R M Sanghrajka Mr N Sanghrajka
Applicant	Mr N Sanghrajka
Submissions	One (1)
Cost of works	\$317,900
Issues	FSR, privacy
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 25 March 2019.

The site is identified as Lot D in DP442836, known as 8 Watkins Street, Bondi. It is located on the southern side of Watkins Street between Bon Accord Ave and Anglesea St.

The site is rectangular in shape with a northern boundary measuring 4.635m, eastern boundary measuring 25.6m, southern boundary measuring 4.49m and western boundary measuring 25.6m. The site has an area of 118.4m² and has a gradual fall from the rear towards the street frontage by approximately 300mm. The site is identified as General Heritage Item 66 described as a “Federation terraced pair” which includes 7 to 8 Watkins Street.

The site is occupied by a two-storey terrace with no vehicular access.

The subject site is adjoined by a terrace on either side. The subject terrace is one of 20 terraces in a row situated on the southern side of Watkins Street. The locality is characterised by a variety of residential development, including detached dwellings, terraces and residential flat buildings.



Figure 1: Subject site frontage



Figure 2: Rear view of 6 and 8 Watkins Street.



Figure 3: Rear view of 4 and 6 Watkins Street.

1.2 Relevant History

A search of Council's Building and Development records revealed the following relevant applications associated with the site:

DA-474/2012, Minor external alterations & internal reconfiguration to heritage listed dwelling approved 3 December 2012.

No other applications were identified in Council's records.

1.3 Proposal

The proposal seeks consent for alterations and additions to the existing terrace house including a first floor extension to the rear and internal reconfiguration.

Further details of the proposal include:

Ground floor level

Internal reconfiguration

Landscaping to eastern side and new planters

New windows and sliding doors to eastern and southern elevations

First floor level

Internal reconfiguration

Extension towards the rear

New windows to eastern and southern elevations

The application was deferred on 25 February 2019 due to issues relating to the roof design, external wall height, and bulk and scale of the secondary dwelling. The applicant provided amended plans on 11 March 2019 addressing the issues outlined within the deferral letter. The amended proposal is considered satisfactory to close the deferral matters and will form the basis of the following 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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The proposed first floor rear extension results in a height of 6.5m.
4.4 Floor space ratio <ul style="list-style-type: none"> Site area - 118.4m² Max FSR - 0.97:1 or 115.3m² 	No	The proposal results in an FSR of 1.109:1 or a total floor space of 131.28m ² . The proposed floor space exceeds the development standard by 15.98m ² or 13.8%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is identified as Heritage Item 66 described as a "federation terraced pair" and is located within Watkins Street Conservation Area. A Heritage Impact Assessment was included in the application and the proposal was referred to Council's Heritage Architect who did not object to the proposal subject to conditions. Details of heritage comments have been provided under the referrals section of the report.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 1.09:1, which exceeds the floor space ratio development standard of 0.97:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 15.98m² in gross floor area or 13.8%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The additional FSR is attributed to the first floor extension which sits well below the building height limit and is consistent with the extended first floor level of surrounding dwellings.
- The FSR exceedance will not alter the building when viewed from Watkins Street and as such will maintain the existing terrace appearance with the prominent roof line intact.
- The proposal will extend the first floor in a manner that is consistent with a number of other dwellings in the immediate vicinity of the site.
- The extension is located well under the existing principle front ridgeline.
- The proposal is fully compliant with the requirement relating to a rear boundary setback at the first floor level.
- There are no material privacy, overshadowing, view loss or streetscape impacts as a result of the proposed floor space ratio.
- The proposal was considered in the Heritage Impact Assessment and is determined to be satisfactory with respect to the existing heritage building and its setting.
- The alterations and additions to the dwelling are fully compliant with the height and setback provisions of the DCP and LEP.
- The building form is commensurate with the attached dwellings that are located in the vicinity of the site.
- The proposal is compatible with the bulk and scale of the existing streetscape and consistent with the desired future character of Watkins St.
- The proposal will maintain the existing dwelling at the site which provides for the housing needs of the community. The alterations and additions to the dwelling provides additional and improved functionality and amenity at the site within a medium density form.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

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

The proposal results in a minor variation to the floor space ratio development standard as a result of the first floor extension at the rear of the site. The development standard is considered unreasonable and unnecessary in this circumstance as the proposal demonstrates a modest first floor addition that improves the utility of the two (2) upper floor bedrooms. The proposed rear extension is not visible when viewed from the front of the property, complies with height and setback controls, does not result in unreasonable overshadowing impacts and is compatible with the rear building line of adjoining properties.

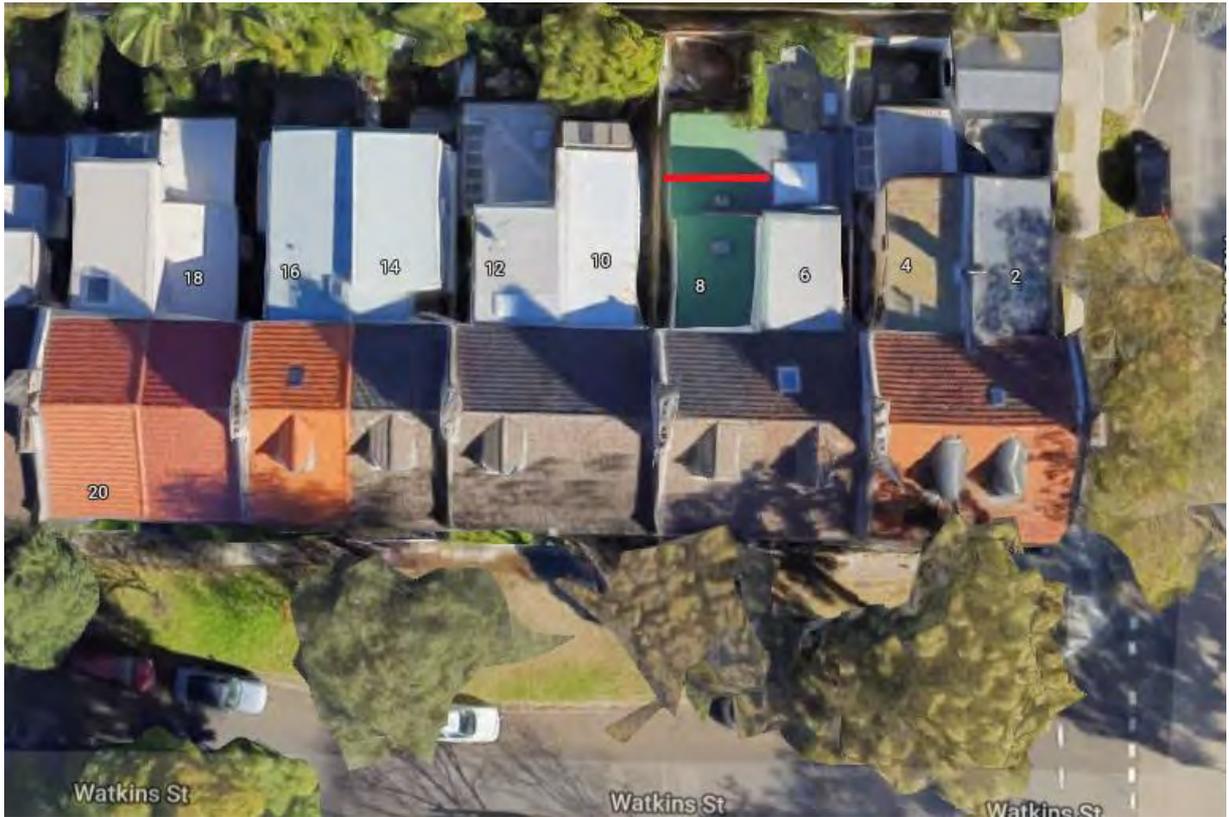


Figure 4: Extract of Google Imagery demonstrating the proposed rear building line at the first floor level.

Figure 4 demonstrates the proposed first floor rear building line which does not extend further than the first floor rear building line of property no's 2 and 4 Watkins Street. The proposed extension would enable other adjoining terraces to be effectively developed to meet the changing housing needs of the community.

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard,

The proposal is consistent with the objectives of the floor space ratio development standard as the environmental amenity of adjoining properties and locality will be maintained. The building has a compatible height, bulk and scale with the emerging and desired future character of the street. Therefore, the applicant has demonstrated sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

The applicant's written request is considered to have adequately addressed the matters required under subclause 3 and the variation to the floor space ratio development standard is supported.

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is consistent with the objectives of the floor space ratio development standard, as discussed above. The development is also consistent with the objectives of the R3 Medium Density Residential zone providing housing in a form that is compatible with the existing development and desired future character of the street. Accordingly, the proposal is considered to be in the public interest and the variation is supported.

2.1.4 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste on site.</p> <p>The waste and recycling storage area will be located at the rear of the site and transferred to the collection point via the rear right-of-way.</p>
2. Ecologically sustainable Development	Yes	<p>Given the scale of the development, the proposal is considered to adequately address the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2. BASIX requirements have been included on sheet no 09.</p>
3. Landscaping and Biodiversity	Yes	<p>The ground and first floor plans have been reviewed and considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape. The existing front garden will be retained.</p> <p>The site is located in a Habitat Corridor however does not contain significant landscaping due to site constraints. The proposal provides additional planters and grass to the rear and side of the property which is considered acceptable.</p>
6. Stormwater	Yes	<p>The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter will be addressed as a condition of consent.</p>

Development Control	Compliance	Comment
9. Heritage	Yes	The proposed development is in a Heritage Conservation Area and is identified as a Heritage item and follows the guidance of this part of the DCP. Council's Heritage Architect has reviewed the proposal and does not object to the proposal, subject to conditions of consent.

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

Development Control	Compliance	Comment
1.1 Bondi Heights		
Desired Future Character Objectives <ul style="list-style-type: none"> • Dominant landscape character • Provide front gardens and mature trees • Appropriate response to height and site access responding to high and low sides of the street 	Yes	<ul style="list-style-type: none"> • The proposal retains the front garden which is consistent with the dominant landscape character of the terrace row. • The proposal provides a front garden. • The proposed additions are to the rear of the building not visible from the front and will be well under the existing height of the existing principal front roof ridge.

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

The proposal is defined as an “Attached dwelling (terrace style)” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	Yes	The proposed rear addition results in a maximum wall height of 6.5m.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line 	Yes	<ul style="list-style-type: none"> • No changes are proposed to the front building line.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 		<ul style="list-style-type: none"> The existing ground floor rear building line will be maintained. The southern side of Watkins Ave has a varied rear building line at the first floor level with properties comprising 6m to 10m setbacks to the rear boundary. The proposed rear addition will have a setback of 8.3m to the rear boundary which is compatible with adjoining property no's 2 and 4 Watkins Street.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal maintains a 904mm setback to the eastern side boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 	Yes	<ul style="list-style-type: none"> The proposal maintains the existing front façade and principal roof of the building. The new window openings complement the style and portions of the existing dwelling and incorporate a contemporary window opening to the rear elevation of the first floor which is considered acceptable as it is not visible from the street. The front garden will be retained.
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	NA	No changes proposed to front, rear or side fencing.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	<p>The large vertical louvered window openings on the eastern elevation align with the first floor windows of the adjoining property to the east. To minimise privacy impacts it is recommended that privacy screening be incorporated into the design. A condition will be imposed in the consent.</p> <p>The large window opening at the rear of the first floor level may result in overlooking impacts to the living areas and private open space of surrounding properties. It is recommended privacy screening be incorporated into the design. A condition will be imposed in the consent.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas 	Yes	<ul style="list-style-type: none"> The proposal comprises eastern facing window openings and a private courtyard to the rear of the site that will capture direct

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>sunlight. The living areas are expected to receive the minimum amount of sunlight required during the winter solstice.</p> <ul style="list-style-type: none"> The shadow diagrams supporting the application indicate that there will be additional minor overshadowing impacts to adjoining properties to the south and east however the majority of the overshadowing is as a result of the existing built environment. A minimum of 3 hours of sunlight will still be afforded to the living areas and private open space during the winter solstice.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes	<ul style="list-style-type: none"> The overall open space is approximately 33% which is acceptable for a terrace house due to site constraints. The overall landscaped area is 8% which is a significant improvement to the existing landscaped area. The site provides approximately 27m² for private open space. The front building setback will remain unchanged and is 100% open space. The site provides over 50% of landscaped area to the front open space. The rear courtyard provides sufficient space to accommodate a clothes drying area.
2.13 Terrace style development		
<p>2.13.4 - Side setback and courtyard design controls for terraces</p> <ul style="list-style-type: none"> Nil setback permitted where abuts an existing wall with nil setback Otherwise 900mm setback required Walls on boundaries should not be more than 2.1m high 	<p>Yes</p> <p>Yes</p> <p>No (acceptable)</p>	<ul style="list-style-type: none"> Nil setback proposed to western boundary. 904mm setback proposed to the eastern boundary. A 3.5m wall is proposed to abut the western boundary which is approximately 0.5-0.7m higher than the existing adjoining terrace wall. The increase in height is considered reasonable as it allows for additional sunlight and increased amenity to the rear living room. The new wall height does not result in unreasonable impacts to the amenity of the adjoining property.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Internal courtyards to be 1.5m wide. No openings are permitted for walls built to the side boundary 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The internal courtyard dimensions are approximately 4m x 4.5m. No openings are proposed to the western elevation.
<p>2.13.5- Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> Additional storey reflects character of terrace Extensions no higher than the existing ridge Attic conversions maintain existing roof envelope with only dormers 	<p>Yes</p>	<ul style="list-style-type: none"> No changes are proposed to the front façade. The rear extension will be no higher than the existing front roof ridge. The attic maintains the existing roof envelope.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

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

One (1) submission was received. The issues raised in the submission are summarised and discussed below.

Table 5: Summary of property addresses that lodged a submission

Property
6 Watkins Street, Bondi

Issue: Extension of the first floor level

Response: The submission raises concern regarding the proposed length of the first floor level. The proposed first floor level is considered acceptable as it is compatible with the rear building line of adjoining properties and does not result in unreasonable amenity impacts. The southern side of Watkins Street has a varied rear building line at the first floor level. The subject property has sought

approval for a rear building line that is similar to other terrace houses in the row and should not be restricted to the minimum as it would impact on future development opportunity for other terrace houses. The objector's request for the rear building line to be reduced is considered unreasonable and unwarranted.

Issue: Overshadowing

Response: The objector is located to the west of the subject property and the shadow diagrams indicate that the proposal will not result in any additional overshadowing impacts to 6 Watkins St. The overshadowing to 6 Watkins St is as a result of the existing built environment. Overshadowing impacts have been discussed under section 2.6 of this report.

Issue: Floor space ratio

Response: The submission raises concern in regards to the exceedance of the floor space ratio development standard and consequent overshadowing impacts to the existing skylight at 6 Watkins St. The proposed first floor extension is not expected to overshadow the skylight on the rear roof plane of 6 Watkins Street and is currently overshadowed by the party wall between 4 and 6 Watkins Street (refer to figure 5 below). This matter is unsubstantiated and disregarded.



Figure 5: Extract from Google Imagery demonstrating the skylight at 6 Watkins St and existing overshadowing.

Issue: Visual privacy

Response: The submission raises concern regarding the south facing window at the first floor level and potential overlooking impacts. A condition will be imposed in the consent for the applicant to incorporate privacy screening to the south facing window opening. This matter is considered resolved.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

An internal referral was sought from Council's Stormwater Engineer who is not satisfied the stormwater details meet the requirements of the DCP. A condition will be imposed in the consent for the applicant to amend the stormwater plans in accordance with the Waverley Council's Water Management Technical Manual.

3.1 Biodiversity – Waverley Futures

An internal referral was sought from Council's Biodiversity Officer as the site is located within a habitat corridor however the comments received are considered unnecessary as the terrace house does not contain significant landscaping. The applicant has demonstrated 8m² of landscaping in the form of planters and front garden bed on the floor plans which is considered satisfactory.

3.2 Heritage Architect – Waverley Futures

An internal referral was sought from Council's Heritage Architect who recommended changes to the rear window, rear roof design and materials of the rear extension. The front façade and principle roof ridge are retained and the rear addition is not visible from the street therefore the design changes to the rear addition are not considered necessary.

4. SUMMARY

The application seeks consent for alterations and additions to the existing two-storey terrace including a rear extension to the first floor, reconfiguration of ground and first floor levels and refurbishment of the rear courtyard.

The application seeks to vary the floor space ratio development standard which is considered acceptable as the exceedance in floor space is as result of the first floor extension that does not adversely impact the amenity of surrounding properties and is compatible with the rear building line of adjoining properties.

The proposed eastern and rear window openings at the first floor level do not contain privacy screening and may result in overlooking impacts to adjoining properties therefore a condition will be imposed in the consent.

The application was reviewed by Councils Stormwater Engineer, Biodiversity Officer and Heritage Architect and relevant conditions are included in the consent for the window openings to contain privacy screening.

The development proposal was notified for 14 days and received one (1) objection in relation to overshadowing and the rear building of the first floor level. The majority of the submission matters are not substantiated and have been discussed in detail under section 2.4 of the report.

Accordingly, the application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Bianca Fyvie
Development Assessment Planner
Date: 24/4/19

Angela Rossi
Manager, Development Assessment (Central)
Date: 17/5/19

Reason for referral: Delete rows to leave only the relevant reason. Leave numbering (1-4) on the side

- 1
- 2
- 3 Departure from any development standard in an EPI by more than 10%
- 4

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Sheet Nos 01 to 08 prepared by JTF Architectural Design, dated 27 August 2018, and received by Council on date 5 December 2018,
- (b) BASIX Certificate
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Lightweight privacy screening (such as timber louvres or translucent glazing) to a height of 1.6m when measured above finished floor level shall be provided on Windows Nos W3, W4 and W5 to mitigate overlooking to adjoining properties.

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

3. APPROVED USE - DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$8000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

8. HOARDING REQUIRED

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

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and

Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

10. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

11. STORMWATER MANAGEMENT

(a) The concept stormwater management plans prepared by Enspire Solutions Pty Ltd, DWG No. 180053-DA-C1.01, 180053-DA-C2.01 and 180053-DA-C3.01 (Rev 1), dated 3 December 2018 is not satisfactory with respect to stormwater details. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

(i) On-site Stormwater Detention (OSD) and its details are required (e.g. Location, cross & long sections and dimensions of OSD tank, top water level, orifice centreline level) along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required to be prepared by a qualified Hydraulics Engineer.

The amended stormwater details are to be submitted and approved by Council's Executive Manager, Creating Waverley prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(b) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

12. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

13. ENGINEERING DETAILS

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

14. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

15. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. The plans are to be notated accordingly prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority.

All work to the separating wall must be contained within the boundaries of the subject site only.

However, in the case of an agreement between neighbours for work affecting both sides of a separating wall, written consent of all owners of all properties upon which work will take place must be obtained. The consent must clearly stipulate if approval is granted for works to the separating wall OR if approval is granted for vertical or lateral support use of the separating wall. It is the responsibility of the applicant to determine the relevance of any cross easements affecting the separating wall.

Where it is not possible to obtain the adjoining owners' consent, it must then be demonstrated that the works are to be supported independently of the separating wall and do not rely on the separating wall for lateral or vertical support. Detailed plans must be accompanied by a certificate from a qualified and practising Structural Engineer. It is not sufficient for a Structural Engineer to state that the works will impose no additional load on the separating wall.

These details are to be supplied to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Separating wall consent does not prevent you and your neighbour entering into any private agreement. For example, to make good any damage from the works. This is a civil matter between neighbours.

16. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

17. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

18. PRIOR TO SITE WORKS

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

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

19. HOME BUILDING ACT

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

20. CONSTRUCTION SIGNS

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

21. OBSTRUCTION TO PUBLIC AREAS

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

22. COMPLIANCE WITH SafeWork NSW

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

23. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and

- (d) NSW EPA Waste Classification Guidelines 2014;

24. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

25. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) (No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

26. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

27. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

28. EXCAVATION BELOW FOOTINGS

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

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

29. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

31. NATIONAL CONSTRUCTION CODE (NCC)

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

32. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

33. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

34. SERVICE PIPES

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

35. CARE TO BE TAKEN DURING CONSTRUCTION

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building, which is listed as a Heritage Item.

36. WATER PROOFING

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

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

37. SMOKE ALARM SYSTEM

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

38. DOMESTIC HEATERS

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

39. NO WORKS BEYOND BOUNDARIES

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

40. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

41. OCCUPATION CERTIFICATE

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

42. STORMWATER MANAGEMENT

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

43. LIGHTING

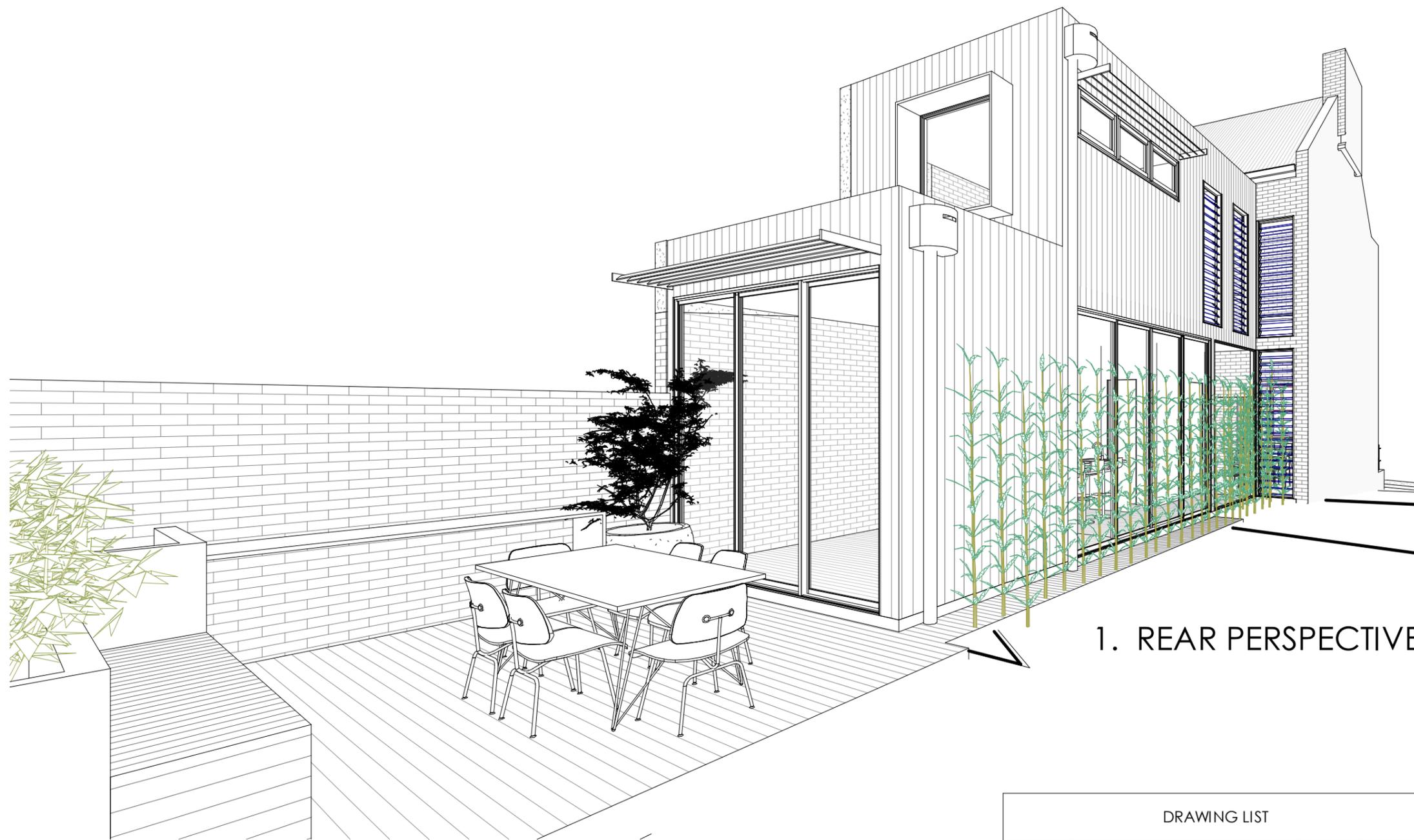
Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control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

44. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

45. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.



1. REAR PERSPECTIVE

PROPOSED ALTERATIONS AND ADDITIONS TO A HERITAGE LISTED TERRACE

8 WATKINS STREET, BONDI
MR. & MRS. SANGHRAJKA

DRAWING LIST

DRAWING	NAME	ISSUE	DATE
00	COVER SHEET	B	11/28/18
01	PROPOSED SITE PLAN & SITE ANALYSIS	B	05/18/16
02	DEMOLITION PLAN & CONSTRUCTION MANAGEMENT PLAN	B	11/17/18
03	GROUND & FIRST FLOOR PLANS	B	01/15/14
04	SECOND FLOOR & ROOF PLAN	B	11/28/18
05	ELEVATIONS A	B	05/18/16
06	ELEVATIONS B	B	05/18/16
07	SECTION & SCHEDULES	B	05/18/16
08	PERSPECTIVES & SCHEDULE OF FINISHES	B	05/18/16
09	AREA CALCULATIONS & BASIX REQUIREMENTS	B	05/18/16
10	REAR SETBACK ANALYSIS	B	11/28/18
11	SHADOW DIAGRAM - JUNE 21 9am	B	11/17/18
12	SHADOW DIAGRAM - JUNE 21 12noon	B	11/28/18
13	SHADOW DIAGRAM - JUNE 21 3pm	B	11/28/18

B 03.12.18 DA Issue
A 28.11.18 Issued to Consultants

AMENDMENTS
SHEET NAME
COVER SHEET

PROJECT STATUS
DEVELOPMENT APPLICATION

PROJECT
ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE

ADDRESS
8 WATKINS ST, BONDI

CLIENT
MR. NAREN & MRS. RENEE SANGHRAJKA

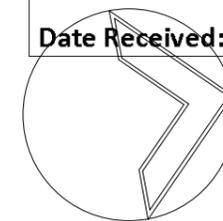
REVISION: **B** The whole works to be in accordance with the Building Code of Australia, Local Council Building Code and all other governing authorities concerned. All dimensions to be in millimetres unless otherwise stated. Use written dimensions in preference to scaled dimensions. The builder to check all dimensions on site prior to the commencement of work.
SHEET No: 00
FILE No: 1807
SCALE:
DATE: 27.08.18

JTF architectural design

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04-Dec-18 7:32:13 PM

A3



SITE CALCULATIONS

ZONE	R3
SITE AREA	118.40m ²
FLOOR AREA	
EXISTING GROUND FLOOR	31.61m ²
EXISTING FIRST FLOOR	28.94m ²
EXISTING SECOND FLOOR	14.72m ²
PROPOSED GROUND ADDITION	32.17m ²
PROPOSED FIRST ADDITION	23.84m ²
TOTAL FLOOR AREA	131.28m ²
FLOOR SPACE RATIO	1.109:1
LANDSCAPING	
EXISTING	3.37m ²
(PERCENTAGE)	2.85%
PROPOSED	9.51m ²
(PERCENTAGE)	8.03%

GENERAL NOTES

- REFER TO CIVIL ENGINEERS DRAWINGS FOR STORMWATER DETAILS
- REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR LANDSCAPE DETAILS
- REFER TO BASIX FOR BASIX REQUIREMENTS
- RC STAIRS, SLABS, FOOTINGS TO ENGINEERS DETAILS
- TIMBER FRAMING IN ACCORDANCE WITH AS1684
- SELECTED BALUSTRADING WHERE REQUIRED TO BE 1000 HIGH MIN
- CEMENT RENDER WITH PAINT FINISH TO SELECTED PORTIONS
- TIMBER CLADDING TO SELECTED PORTIONS
- POWDERCOATED ALUM. WINDOWS AND DOORS - REFER TO SCHEDULES
- POWDERCOATED STEEL GUTTERS, FASCIAS AND DOWNPIPES
- SELECTED FEATURE SCREENING TO ALFRESCO AREAS
- PARTY WALL TO STRUCTURAL ENGINEERS FUTURE DETAILS
- PROVIDE ADEQUATE WATERPROOFING AND DRAINAGE TO PLANTERBOXES



1. PROPOSED SITE PLAN

1 : 200

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A 28.11.18 Issued to Consultants
AMENDMENTS
SHEET NAME
PROPOSED SITE PLAN & SITE ANALYSIS

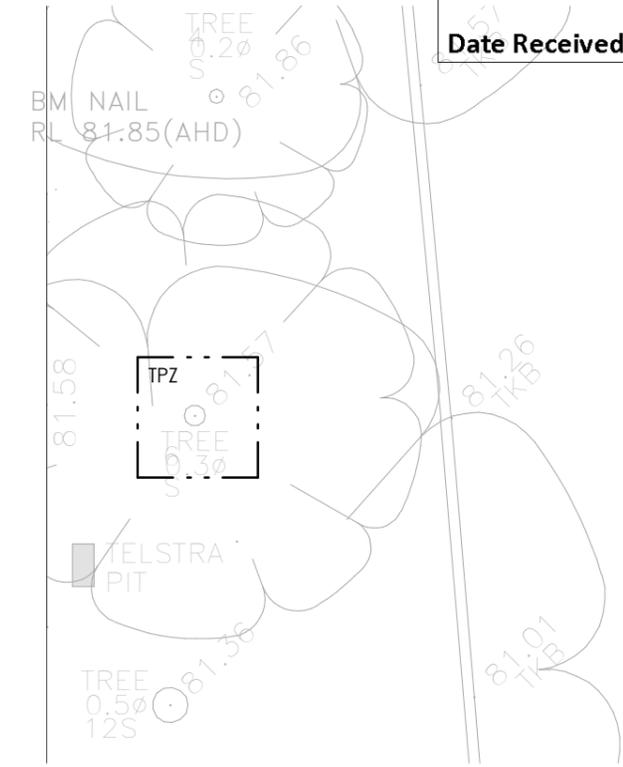
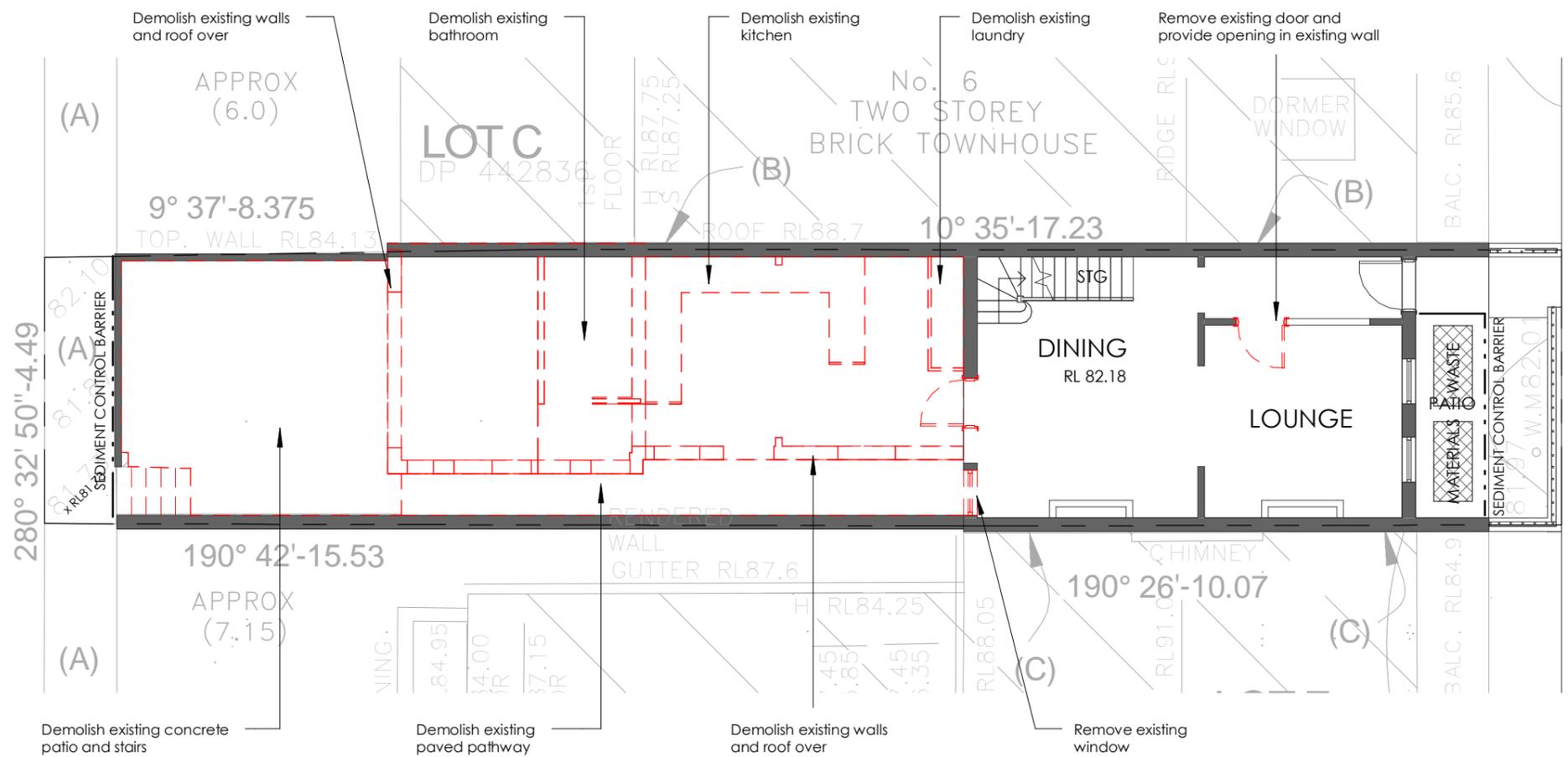
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REVISION:
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SHEET No: **01**
FILE No: **1807**
SCALE: **As indicated**
DATE: **27.08.18**

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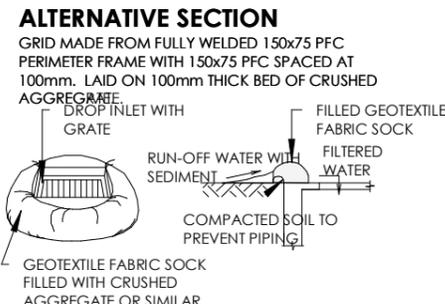
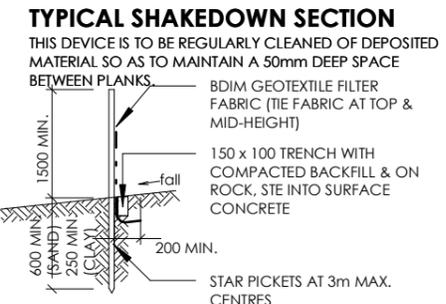
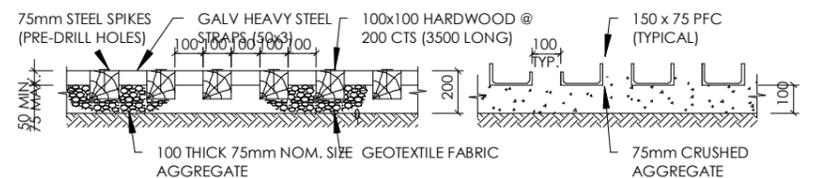


1. DEMOLITION PLAN

1 : 100

2. CONSTRUCTION MANAGEMENT DETAILS

1 : 200



- TEMP. SEDIMENT CONTROL FENCE**
1. PROVIDE SEDIMENT CONTROL FENCE AT STORMWATER OUTLETS AND DOWNSTREAM BOUNDARIES UNTIL LANDSCAPING, PAVING & TURFING IS COMPLETED.
 2. MINIMISE BARE EARTH AND DISTURBED AREAS. ALL BARE SOIL AREAS ARE TO BE PROTECTED FROM EROSION BY TEMPORARY MEASURES AND REVEGETATED AT CESSATION OF CONSTRUCTION.
 3. RETURN OR PROTECT AS SOON AS PRACTICABLE.
 4. COVER ALL SOIL MOUNDS.
 5. PROVIDE LARGE COARSE AGGREGATE SURFACE (100 MIN. DEEP) TO ENTRY AND EXIT AREAS WITH GEOTEXTILE FILTER UNDERLAY.
 6. SATISFACTORILY COMPACT ALL BACKFILL.
 7. LOCATE ALL DEBRIS IN CATCH AREA BEHIND SEDIMENT FENCE.
 8. REGULARLY CHECK AND MAINTAIN ALL SEDIMENT FEATURES.
- TEMP. DROP INLET SEDIMENT TRAP**

SEDIMENT CONTROL DEVICES
FILTER DAMS ARE TO BE CONSTRUCTED AT ALL DRAINAGE OUTLETS WITHIN THE SITE. THESE DAMS SHALL BE CONSTRUCTED AS DETAILED IN THE APPROVED DRAWINGS.
SILT FENCES SHALL BE CONSTRUCTED AS DETAILED IN THE APPROVED DRAWINGS AROUND ALL DISTURBED AREAS, STOCKPILES AND AS DIRECTED BY THE ENGINEER.

MATERIALS
MATERIALS AND WORKMANSHIP SHALL BE TO THE ENGINEER'S SATISFACTION AND UNLESS OTHERWISE SPECIFIED SHALL CONFORM TO SUCH STANDARD SPECIFICATIONS ISSUED BY THE STANDARDS ASSOCIATION OF AUSTRALIA AS APPLICABLE.

ROCK BREAKERS / HAMMERS
THE USE OF ANY PNEUMATIC BREAKING OR HAMMERING DEVICE IS NOT PERMITTED FOR THE EXCAVATION OF BEDROCK MATERIAL WITHIN 10 METRES OF EXISTING DWELLINGS OR STRUCTURES.

TRANSPORTATION OF MATERIALS
TRANSPORTATION OF MATERIALS AND OF EARTH, SAND, ROAD CONSTRUCTION MATERIAL, LOOSE DEBRIS AND ANY LOOSE MATERIALS TO OR FROM THE SITE WILL BE IN A MANNER THAT WILL PREVENT THE DROPPING OF MATERIAL ON THE SURROUNDING STREETS. LOAD COVERS ARE TO BE USED AT ALL TIMES.

SURVEY MARKS
ADEQUATE PRECAUTIONS ARE TO BE TAKEN TO PROTECT AND PRESERVE ANY SURVEY MARK RELATIVE TO OR AFFECTED BY THE DEVELOPMENT.

EARTHWORKS & CLEARING
DURING THE CLEARING, CARE SHALL BE TAKEN NOT TO DISTURB ANY BENCHMARK, SURVEY OR LEVEL PEG. TOPSOIL IS TO BE REMOVED FROM THE WORKS AREA, STOCKPILED AND REPLACED UPON THE DISTURBED AREAS AT THE COMPLETION OF CONSTRUCTION.

VEGETATION PROTECTION
PRIOR TO AND DURING ANY CONSTRUCTION WORKS THE ROOTS, TRUNKS AND BRANCHES OF ALL VEGETATION TO BE RETAINED SHALL BE PROTECTED FROM POLLUTANTS, MACHINERY, CHEMICAL AND FUEL SPILLAGE, COMPACTION OF SURROUNDING SOILS, LEVEL CHANGES WITHIN THE DRIP LINE, STOCKPILING OF SPOIL, AND STOCKPILING OF BUILDING MATERIALS. PROTECTIVE FENCING OF SUCH VEGETATION SHALL BE UNDERTAKEN AS NECESSARY. VEGETATION TO BE LEFT UNDISTURBED OUTSIDE THE APPROVED WORKS AREA.

ALL EROSION PROTECTION MEASURES TO MEET THE REQUIREMENTS OF COUNCIL & DEPT. OF CONSERVATION AND LAND MANAGEMENT.

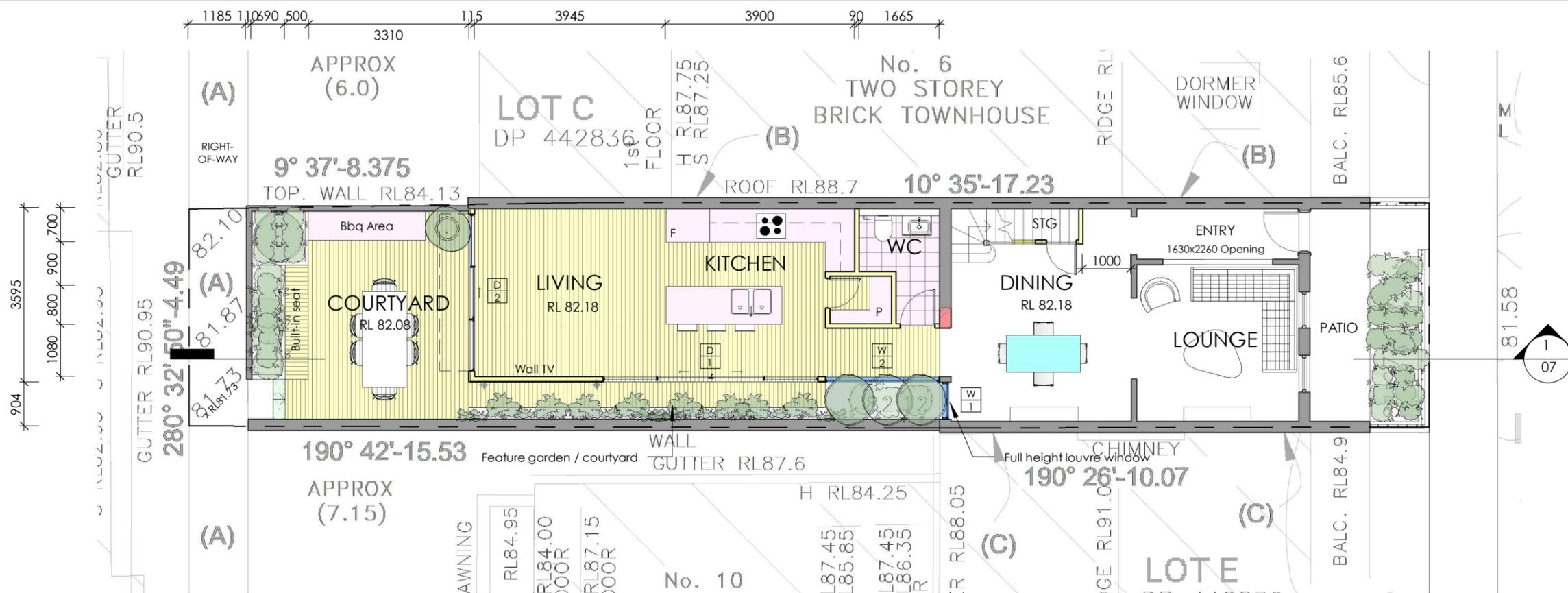
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SHEET No: **02**
FILE No: **1807**
DATE: **27.08.18**

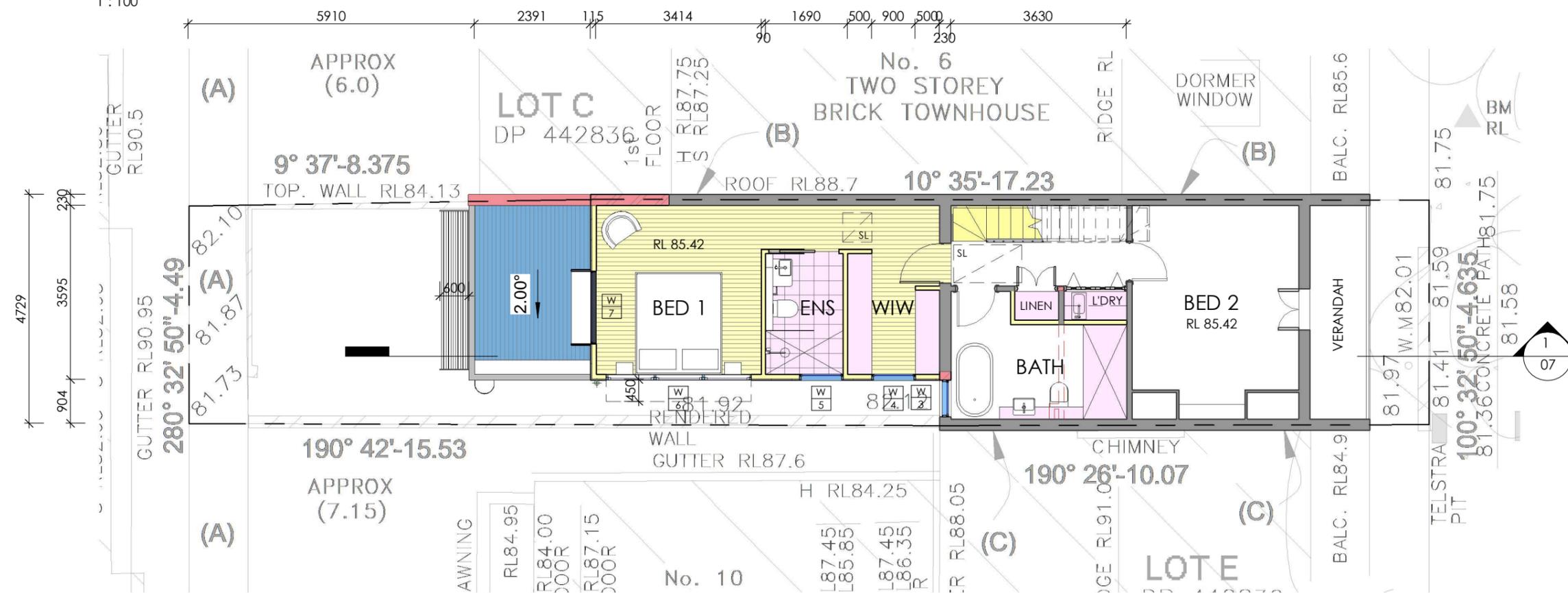
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E | jake@jtfdesign.com.au
M | 0431 854 907

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1. GROUND FLOOR PLAN

1 : 100



2. FIRST FLOOR

1 : 100

B 03.12.18 DA Issue
A 28.11.18 Issued to Consultants
AMENDMENTS
SHEET NAME
GROUND & FIRST FLOOR PLANS

PROJECT STATUS
DEVELOPMENT APPLICATION
PROJECT
ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE

ADDRESS
8 WATKINS ST, BONDI

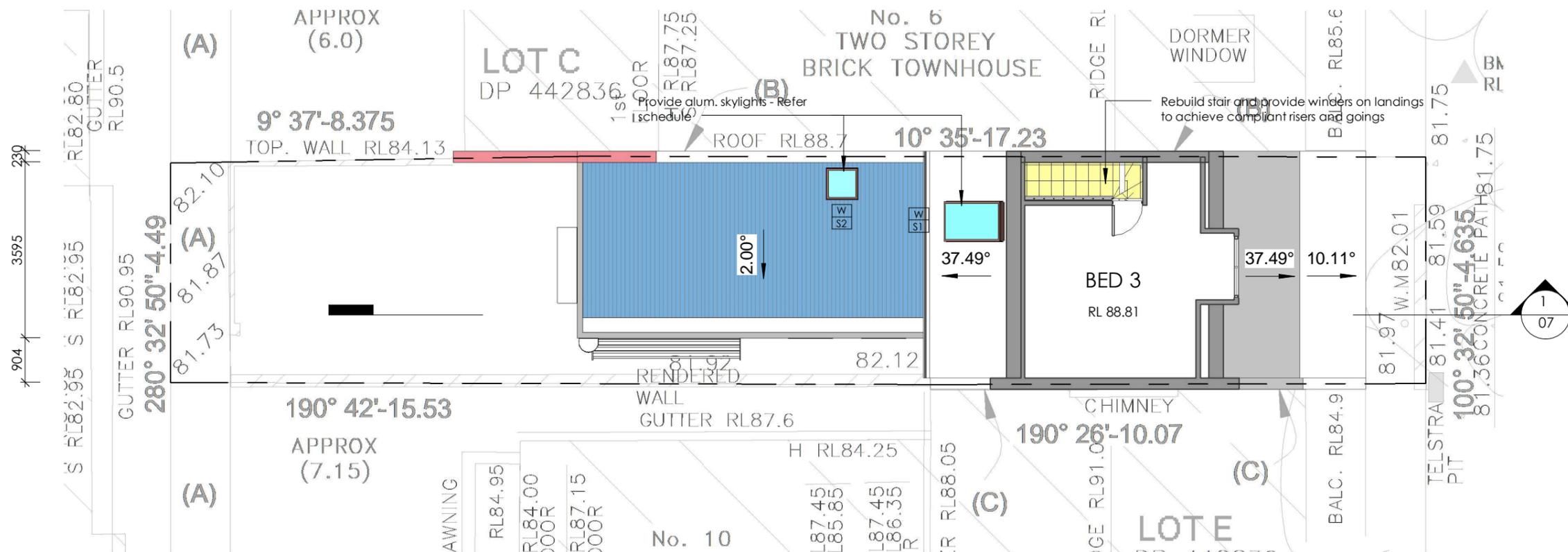
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FILE No: **1807**
SCALE: **1 : 100**
DATE: **27.08.18**

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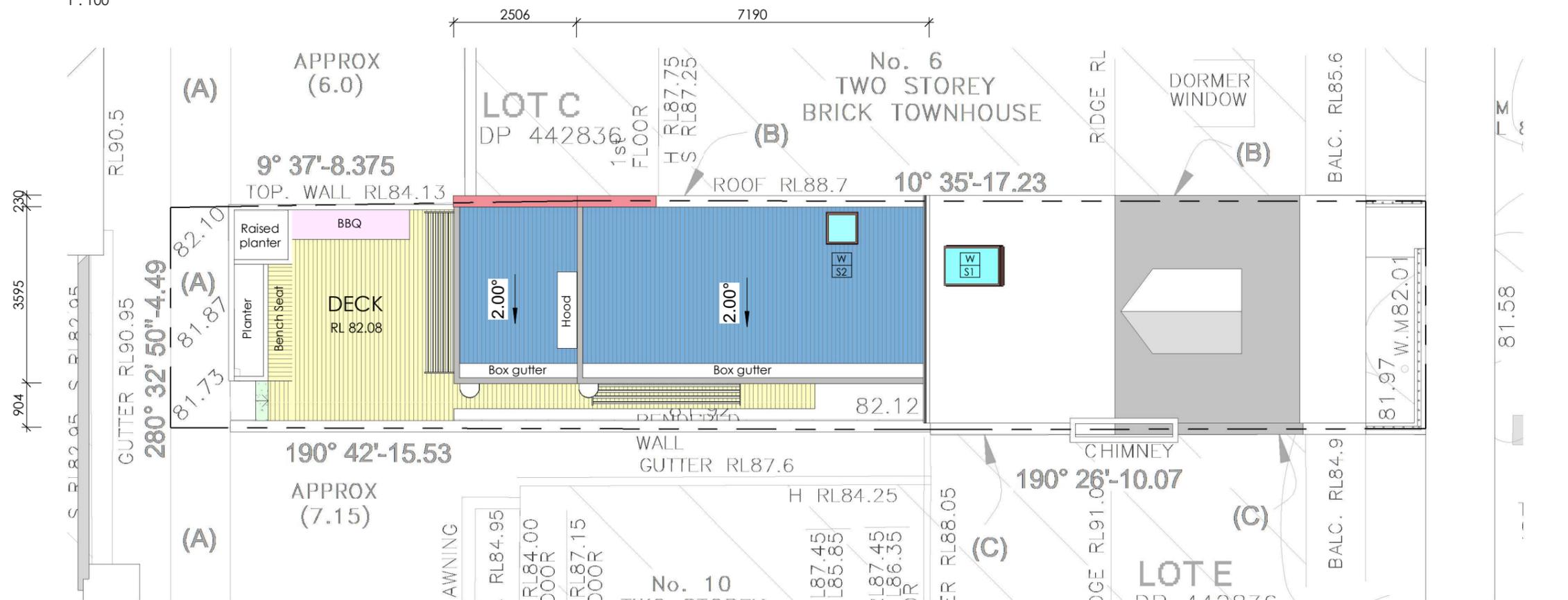
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1. SECOND FLOOR

1 : 100



2. ROOF PLAN

1 : 100

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A 28.11.18 Issued to Consultants

AMENDMENTS
SHEET NAME
SECOND FLOOR &
ROOF PLAN

PROJECT STATUS
DEVELOPMENT
APPLICATION
PROJECT
ALTERATIONS AND
ADDITIONS TO AN
EXISTING TERRACE

ADDRESS
8 WATKINS ST, BONDI

CLIENT
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FILE No: 1807
SCALE: 1 : 100
DATE: 27.08.18

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2. EAST ELEVATION

1 : 100

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AMENDMENTS
SHEET NAME
ELEVATIONS A



1. NORTH ELEVATION

1 : 100

GENERAL NOTES

- REFER TO CIVIL ENGINEERS DRAWINGS FOR STORMWATER DETAILS
- REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR LANDSCAPE DETAILS
- REFER TO BASIX FOR BASIX REQUIREMENTS
- RC STAIRS, SLABS, FOOTINGS TO ENGINEERS DETAILS
- TIMBER FRAMING IN ACCORDANCE WITH AS1684
- SELECTED BALUSTRADING WHERE REQUIRED TO BE 1000 HIGH MIN
- CEMENT RENDER WITH PAINT FINISH TO SELECTED PORTIONS
- TIMBER CLADDING TO SELECTED PORTIONS
- POWDERCOATED ALUM. WINDOWS AND DOORS - REFER TO SCHEDULES
- POWDERCOATED STEEL GUTTERS, FASCIAS AND DOWNPIPES
- SELECTED FEATURE SCREENING TO ALFRESCO AREAS
- PARTY WALL TO STRUCTURAL ENGINEERS FUTURE DETAILS
- PROVIDE ADEQUATE WATERPROOFING AND DRAINAGE TO PLANTERBOXES

PROJECT STATUS
DEVELOPMENT
APPLICATION

PROJECT
ALTERATIONS AND
ADDITIONS TO AN
EXISTING TERRACE

ADDRESS
8 WATKINS ST, BONDI

CLIENT
MR. NAREN & MRS.
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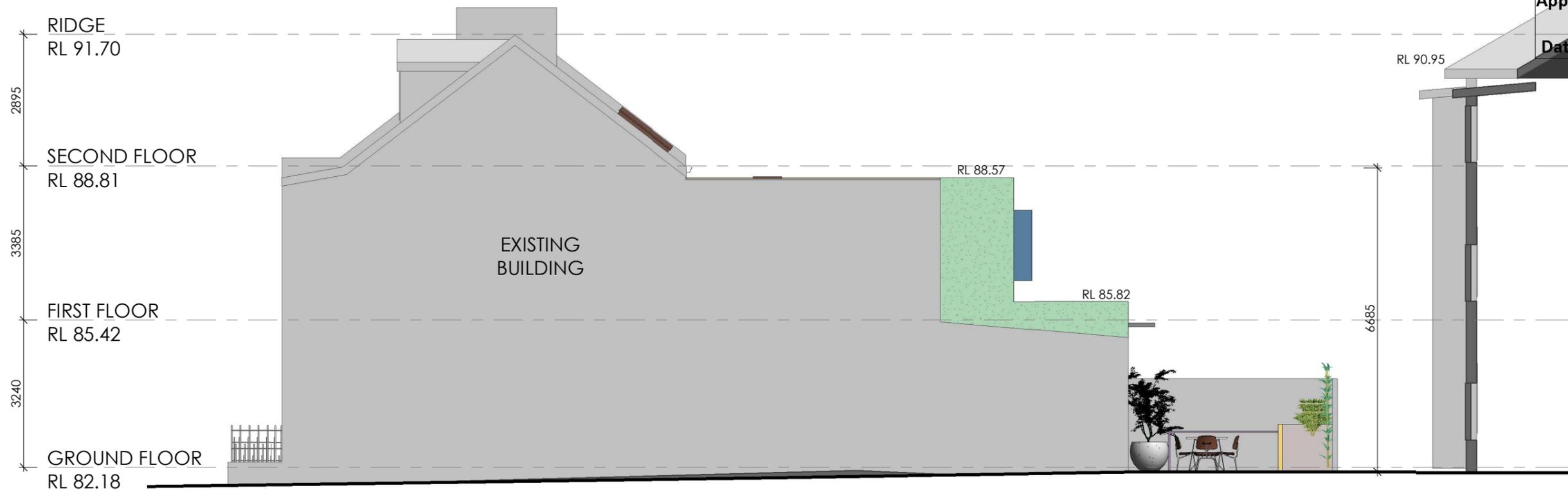
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1. WEST ELEVATION

1 : 100

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AMENDMENTS
SHEET NAME
ELEVATIONS B



2. SOUTH ELEVATION

1 : 100

GENERAL NOTES

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- REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR LANDSCAPE DETAILS
- REFER TO BASIX FOR BASIX REQUIREMENTS
- RC STAIRS, SLABS, FOOTINGS TO ENGINEERS DETAILS
- TIMBER FRAMING IN ACCORDANCE WITH AS1684
- SELECTED BALUSTRADING WHERE REQUIRED TO BE 1000 HIGH MIN
- CEMENT RENDER WITH PAINT FINISH TO SELECTED PORTIONS
- TIMBER CLADDING TO SELECTED PORTIONS
- POWDERCOATED ALUM. WINDOWS AND DOORS - REFER TO SCHEDULES
- POWDERCOATED STEEL GUTTERS, FASCIA AND DOWNPIPES
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PROJECT STATUS
DEVELOPMENT APPLICATION
PROJECT
ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE

ADDRESS
8 WATKINS ST, BONDI

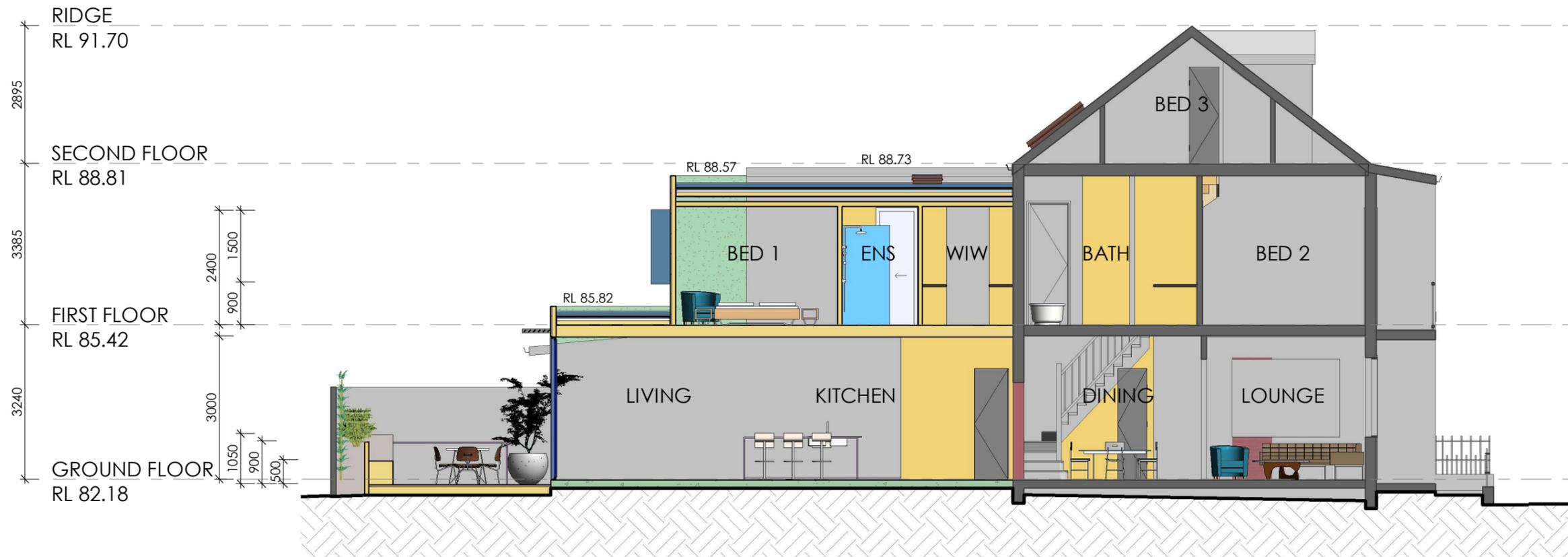
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FILE No: 1807
SCALE: 1 : 100
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1. SECTION 1

1 : 100

WINDOW SCHEDULE

Mark	Height	Width	Window Area	Head Height	Description	Basix Requirements
1	3000	765	2.30	3000	Designer LouvreMASTER Adjustable Louvre Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
2	3000	2350	7.05	3000	Residential Fixed Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
3	2400	765	1.84	2400	Designer LouvreMASTER Adjustable Louvre Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
4	2400	900	2.16	2400	Designer LouvreMASTER Adjustable Louvre Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
5	2400	900	2.16	2400	Designer LouvreMASTER Adjustable Louvre Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
6	600	3000	1.80	2400	Architectural Awning Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
7	1500	1500	2.25	2400	Residential Fixed Window	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
S1	1400	780	1.09		Skylight w/ External Adjustable Awning or Blind	Alum, Moulded Plastic Single Clear, (or U-value: 6.21, SHGC: 0.808)
S2	600	600	0.36		Skylight	Alum, Moulded Plastic Single Clear, (or U-value: 6.21, SHGC: 0.808)

DOOR SCHEDULE

Mark	Height	Width	Door Area	Description	Basix Requirements
1	3000	4450	13.35	Residential Sliding Door	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)
2	3000	3250	9.75	Residential Sliding Door	Improved Alum, Single Toned, (U-value: 6.39, SHGC: 0.56)

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AMENDMENTS
SHEET NAME
SECTION & SCHEDULES

PROJECT STATUS
DEVELOPMENT APPLICATION
PROJECT
ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE

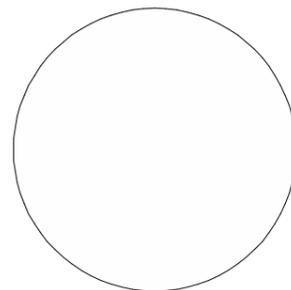
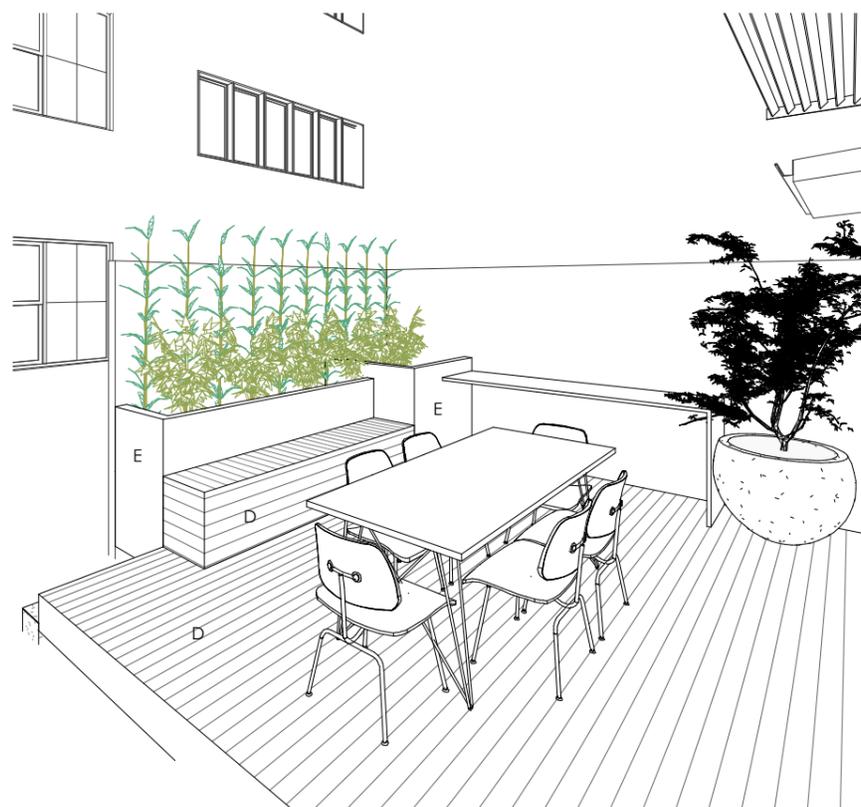
ADDRESS
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FILE No: 1807
SCALE: 1 : 100
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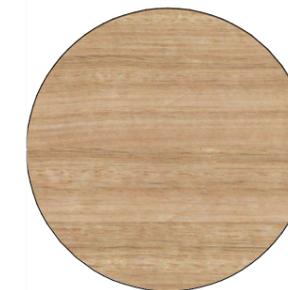
A - Dulux 'Lexicon Quarter' Cement Render



B - Selected Natural Timber Cladding



C - 'Matt Black' Powdercoated Windows, Doors, Rainheads and Downpipes

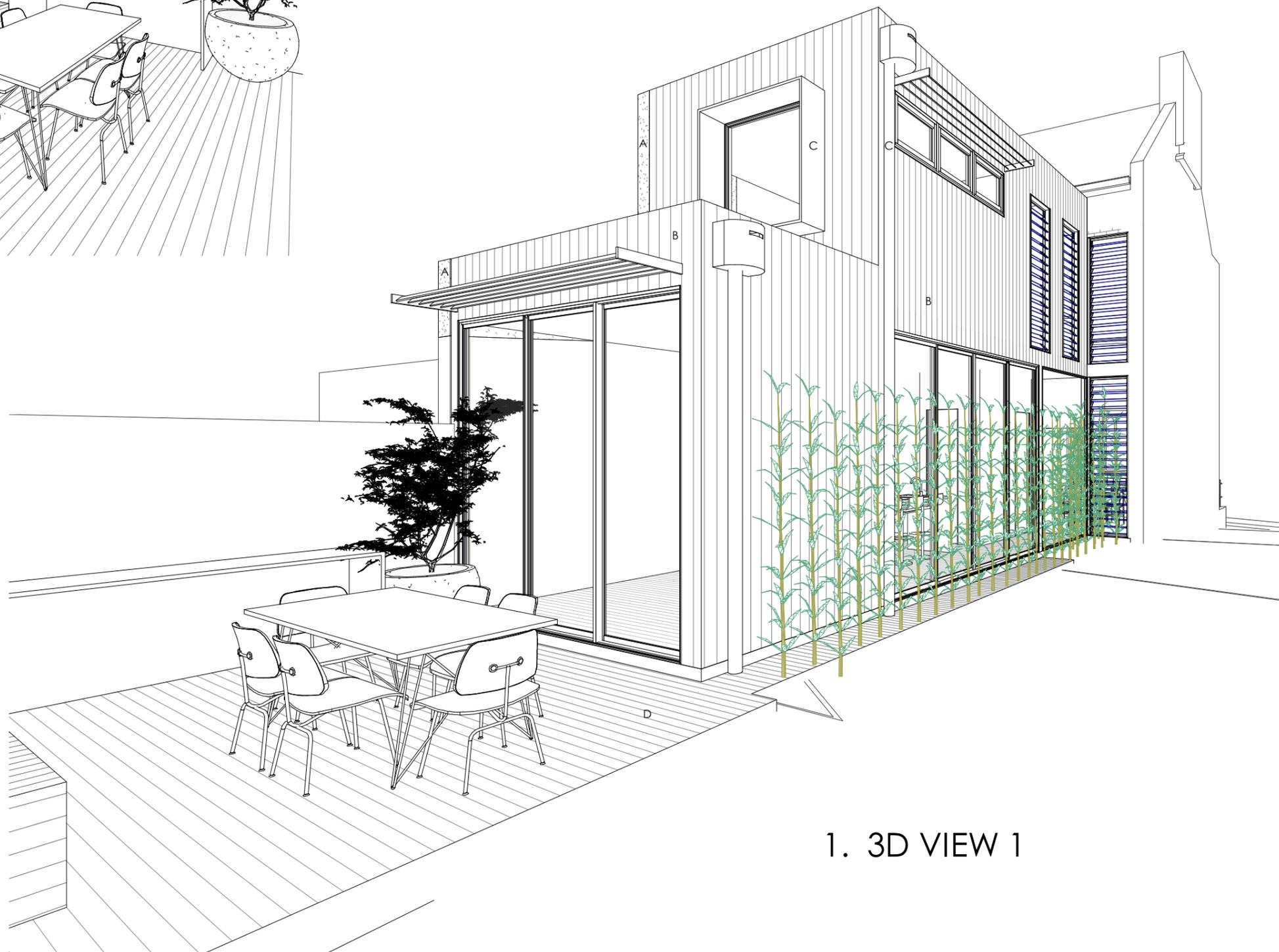


D - Selected Hardwood finish to Decking and Built-in Furniture



E - Off-form Concrete to Planterboxes

2. 3D VIEW 2



1. 3D VIEW 1

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AMENDMENTS
SHEET NAME
**PERSPECTIVES &
SCHEDULE OF FINISHES**

PROJECT STATUS
**DEVELOPMENT
APPLICATION**

PROJECT
**ALTERATIONS AND
ADDITIONS TO AN
EXISTING TERRACE**

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SHEET No: **08**
FILE No: **1807**
SCALE: **1 : 100**
DATE: **27.08.18**

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BASIX REQUIREMENTS

Fixtures and systems

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

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

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

Glazing requirements

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below.

Relevant overshadowing specifications must be satisfied for each window and glazed door.

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

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must

have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs

must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

The description is provided for information

only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at

least that shown in the table below.

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.

Skylights

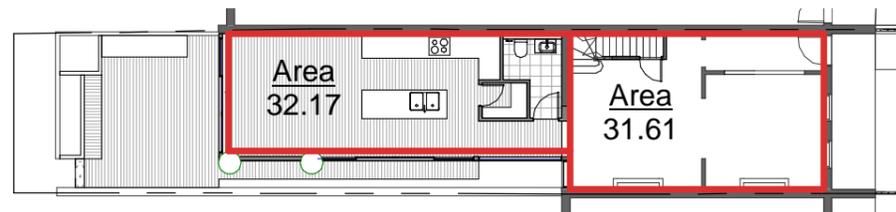
The applicant must install the skylights in accordance with the specifications listed in the table below.

The following requirements must also be satisfied in relation to each skylight:

Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in

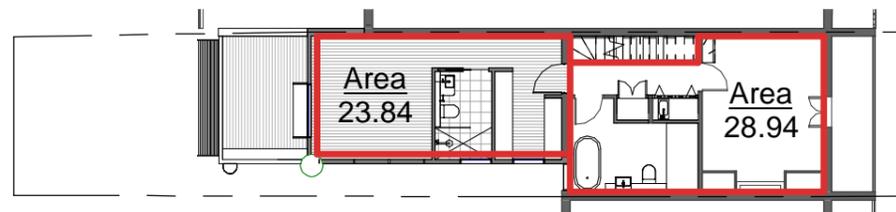
the table below.

External awnings and louvres must fully shade the skylight above which they are situated when fully drawn or closed.



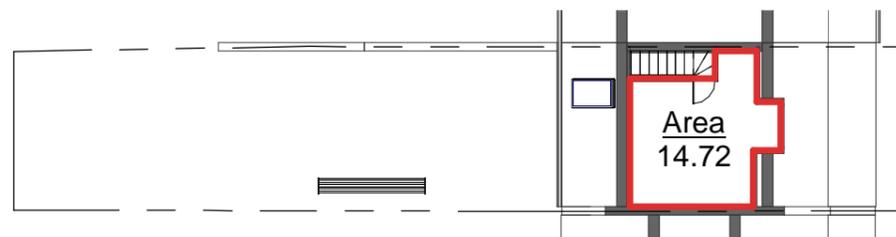
1. GROUND FLOOR

1 : 200



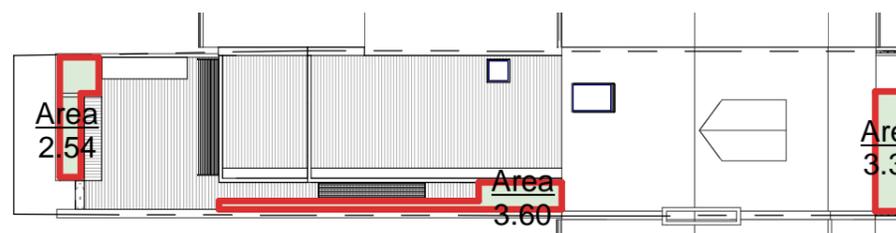
2. FIRST FLOOR

1 : 200



3. SECOND FLOOR

1 : 200



4. LANDSCAPING

1 : 200

SITE CALCULATIONS

ZONE	R3
SITE AREA	118.40m ²
FLOOR AREA	
EXISTING GROUND FLOOR	31.61m ²
EXISTING FIRST FLOOR	28.94m ²
EXISTING SECOND FLOOR	14.72m ²
PROPOSED GROUND ADDITION	32.17m ²
PROPOSED FIRST ADDITION	23.84m ²
TOTAL FLOOR AREA	131.28m ²
FLOOR SPACE RATIO	1.109:1
LANDSCAPING	
EXISTING (PERCENTAGE)	3.37m ² 2.85%
PROPOSED (PERCENTAGE)	9.51m ² 8.03%

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A 28.11.18 Issued to Consultants

AMENDMENTS

SHEET NAME

AREA CALCULATIONS
& BASIX REQUIREMENTS

PROJECT STATUS

DEVELOPMENT
APPLICATION

PROJECT

ALTERATIONS AND
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ADDRESS

8 WATKINS ST, BONDI

CLIENT

MR. NAREN & MRS.
RENEE SANGHRAJKA

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SHEET No: 09

FILE No: 1807

SCALE: As indicated

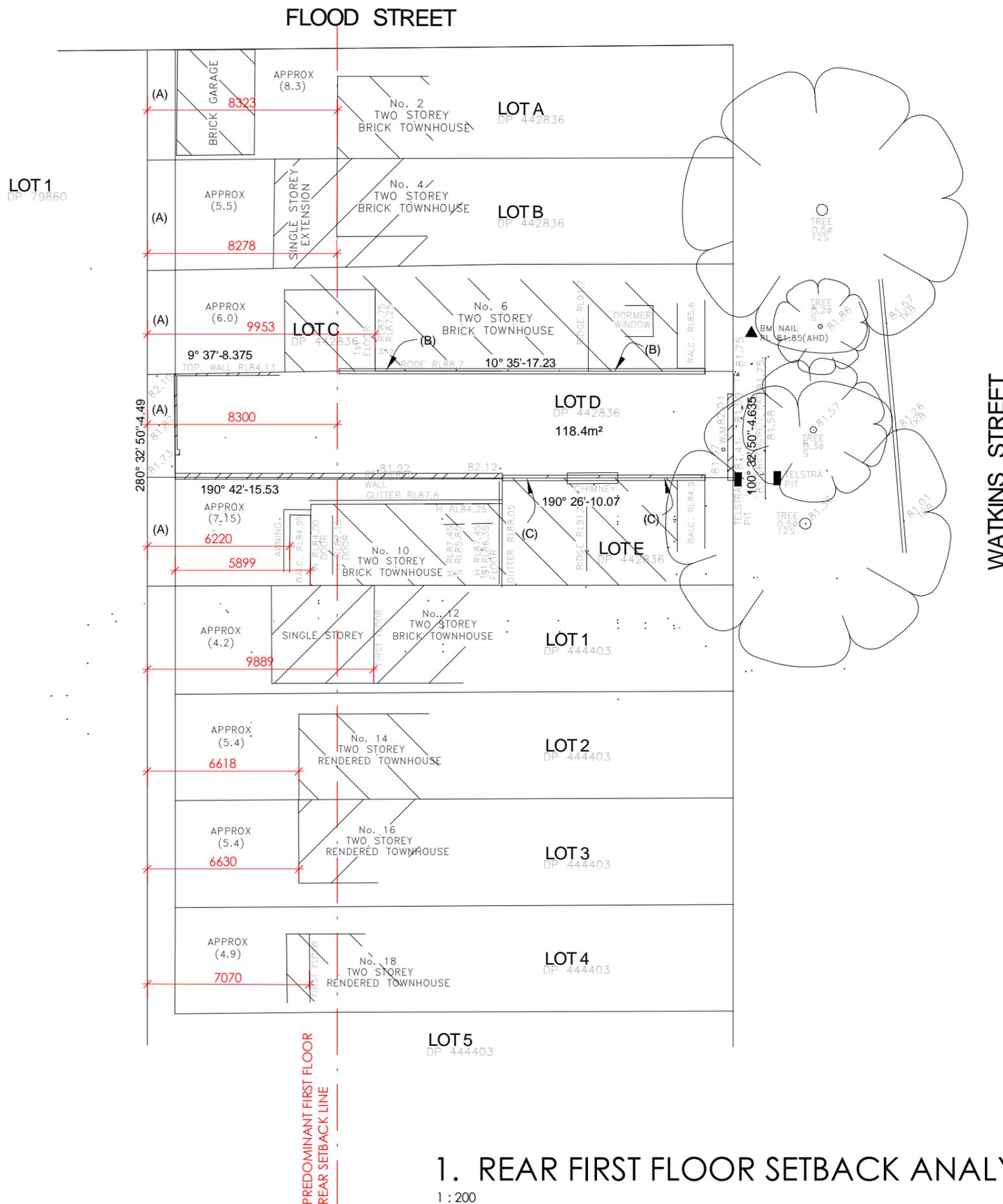
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WATKINS STREET

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AMENDMENTS
SHEET NAME
REAR SETBACK ANALYSIS

PROJECT STATUS
DEVELOPMENT APPLICATION
PROJECT
ALTERATIONS AND ADDITIONS TO AN EXISTING TERRACE

ADDRESS
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SHEET No: **10**
FILE No: **1807**
SCALE: **1 : 200**
DATE: **27.08.18**

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1. REAR FIRST FLOOR SETBACK ANALYSIS
1 : 200